

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

A P P E A R A N C E S:

Los Gatos Planning Commissioners:  
Jeffrey Barnett, Chair  
Steve Raspe, Vice Chair  
Susan Burnett  
Kylie Clark  
Melanie Hanssen  
Emily Thomas

Town Manager: Laurel Prevetti

Community Development Director: Joel Paulson

Town Attorney: Gabrielle Whelan

Transcribed by: Vicki L. Blandin  
(619) 541-3405

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

P R O C E E D I N G S :

CHAIR BARNETT: Now we'll move onto Agenda Item 2, which is a submission by the Town in which we are asked to consider a request to forward a recommendation to the Town Council on Modification to the Town's Height Pole and Netting Policies for Additions and New Construction. Staff notes that the proposed amendments to the Town policy are not considered a project for purposes of CEQA.

Are there any disclosures by Commissioners?  
Seeing none, is there a Staff Report on Agenda 2?

JENNIFER ARMER: Good evening, Chair, Vice Chair, and Commissioners. The item in front of you is consideration of changes to the Town's Height Pole and Netting Policy, often referred to as the Story Pole Policy. This discussion is a continuation of the item from the April 26<sup>th</sup> Planning Commission meeting.

The reason for considering the current Story Pole Policy started with recent requests for exceptions to the current Story Pole Policy, but additional questions and suggestions have been raised in the public comment and at the April meeting.

1           The written Staff Report that has been provided  
2 to you for your discussion tonight provides a series of  
3 topics for discussion presented as a series of questions.

4           First, should the Town retain a requirement for  
5 installation of story poles for development projects? If  
6 yes, then what types of projects should be required to  
7 install story poles? What types should be excluded or  
8 exempt?

9                   Should the current requirements be modified?

10                   Should specific alternatives be detailed in the  
11 Story Pole Policy?  
12

13                   Should a modification be made to change the  
14 decision maker for the exception requests or certain  
15 exception requests?

16                   Should the requirement for submittal and approval  
17 of a Story Pole Plan be removed from the policy?

18                   This concludes Staff's presentation, but I'd be  
19 happy to answer any questions.

20                   CHAIR BARNETT: Thank you for the presentation.  
21 Are there any questions of Staff at this time? Commissioner  
22 Hanssen.

23                   COMMISSIONER HANSSSEN: I have a question about  
24 ADUs. It doesn't specifically say that we do or don't  
25

1 require ADUs, but I would assume that we cannot require  
2 story poles for ADUs.

3 JENNIFER ARMER: Thank you for that question.  
4 That's correct. Because Accessory Dwelling Units are  
5 processed as a non-discretionary process at this time it's  
6 actually just a Building Permit for those applications,  
7 Story Pole Policy would not apply to those.

8 COMMISSIONER HANSSEN: So when it says additional  
9 structures, it would be a nonresidential structure on a  
10 property, like a pool cabana or something like that, not an  
11 ADU?  
12

13 JENNIFER ARMER: It could be if there were  
14 multiple structures on a property, but for Accessory  
15 Dwelling Units, because they are ministerial, they would  
16 not be required to do story poles.

17 COMMISSIONER HANSSEN: Chair, one more question.

18 CHAIR BARNETT: Please.

19 COMMISSIONER HANSSEN: One of the things that  
20 were suggested in the Staff Report is a possibility to  
21 consider if it was the will to continue the Story Pole  
22 Policy. One thing that could possibly be an exception was  
23 100% affordable housing, so what would qualify as 100%  
24 affordable housing? People would want to understand that.

25 So the North Forty has met requirements for affordable

1 housing, but it's not 100% affordable, so 100% affordable  
2 is what?

3 JENNIFER ARMER: Thank you for that question. I  
4 would say that if that is the recommendation of the  
5 Planning Commission that we could provide some additional  
6 information to Town Council about the different levels of  
7 affordability and what those thresholds are for them to  
8 consider whether there is a specific threshold, but in  
9 general what I would say is that if all of the units in the  
10 proposed development are deed restricted to be below market  
11 rate, that that would qualify as 100% affordable housing.  
12

13 CHAIR BARNETT: Other questions for Staff?  
14 Commissioner Clark.

15 COMMISSIONER CLARK: Thank you. I have two  
16 questions. First I was wondering what we do for a proposed  
17 70' tall building, for example? I can't imagine that we can  
18 do story poles that tall.

19 JENNIFER ARMER: Thank you. My understanding is  
20 that for that type of building there are some options that  
21 could be considered, for example, getting the large cranes  
22 that are used in high construction, and those get set up to  
23 have the string of flags between them. I believe that when  
24 we had the Netflix development coming through that they did  
25 something similar to that to show what the height was. You

1 can imagine though that, depending on how many of those  
2 cranes you need to have, it is something that becomes a  
3 pretty significant investment, especially depending on how  
4 long they need to be in place for.

5 COMMISSIONER CLARK: May I ask a second question?

6 CHAIR BARNETT: Please.

7 COMMISSIONER CLARK: Thank you. The other thing I  
8 was wondering is one of the possibilities that was  
9 mentioned is only showing things like front façade or  
10 tallest ridge and things like that, and I know it varies  
11 drastically I'm sure between projects, but in general would  
12 that save a considerable portion of the cost for a lot of  
13 projects?  
14

15 JENNIFER ARMER: My understanding is that the  
16 extent of the story poles and netting does add  
17 significantly to the cost, and so if it were just showing  
18 certain portions that would reduce that impact. We will  
19 have some members of the public speaking. I know that we do  
20 have a few developers joining us to provide their  
21 perspective, and so that type of question based on their  
22 experience may add to the Commission's discussion.  
23

24 COMMISSIONER CLARK: Thank you.

25 CHAIR BARNETT: Anything further? Commissioner  
Thomas.

1                   COMMISSIONER THOMAS: Thank you, Chair. I have  
2 two questions for Staff. The first is that in our current  
3 policy it states that the story poles enhance understanding  
4 of the project for Town residents, Staff, etc., including  
5 us. Can Staff make decisions without story poles? I have an  
6 assumption about an answer, but I still want to know.

7                   Then are there any instances where story poles  
8 are necessary for Staff to make decisions?  
9

10                  JENNIFER ARMER: Thank you for that question. I  
11 would say that it is not the majority of the agencies in  
12 Santa Clara County that actually require story poles and  
13 that there is a clear answer of yes, Staff can make  
14 decisions without story poles.

15                  COMMISSIONER THOMAS: Is there any instance that  
16 anyone would know about where they would be really  
17 important to the decision making process on your end?

18                  JENNIFER ARMER: From Staff's perspective, I  
19 don't believe that it would be required for us in making  
20 our recommendations for compliance with the regulations,  
21 because there would still be the information in the plans.  
22 As stated at the beginning of Story Pole Policy, it has a  
23 multi-pronged kind of purpose, and so it is a question of  
24 what the intent and goal of the policy is and how best to  
25 accomplish that.

1 COMMISSIONER THOMAS: Thank you. May I?

2 CHAIR BARNETT: Please.

3 COMMISSIONER THOMAS: Thank you. My second  
4 question is about the Story Pole Policy, and I know we  
5 discussed this a little bit last time too, but I just  
6 wanted to clarify, is the Story Pole Policy helpful for  
7 Staff, and if yes, why? Then, on average do you approve the  
8 Story Pole Policy or do you suggest changes before the  
9 story poles actually go up.  
10

11 JENNIFER ARMER: Thank you for that question. As  
12 mentioned at our last meeting, we find that it is helpful  
13 to have the Story Pole Policy in advance so that Staff has  
14 the opportunity to make sure that the critical elements of  
15 the building are represented, and there is the concern that  
16 if there wasn't a Story Pole Policy but Staff was still  
17 expected to go out and take a look and make sure that it  
18 really was fully represented that there might need to be  
19 modifications in the field to what was installed, so that's  
20 part of the question behind it and I think we do often  
21 indicate a need to have more poles, or different poles, or  
22 something is inconsistent.

23 I'm not sure how often there would actually need  
24 to be changes in the field, because based on my experience  
25 the story pole installer will represent the building



1 reasonably well. Sometimes the corrections to the Story  
2 Pole Policy actually just have to do with how it was drawn  
3 rather than how it would all actually be installed.

4           One of the additional benefits to having a Story  
5 Pole Policy that we have found is that it sometimes is  
6 helpful to members of the public to understand how those  
7 poles and netting represent the building that is drawn in  
8 the plans.

9           CHAIR BARNETT: Commissioner Burnett.

10           COMMISSIONER BURNETT: Thank you, Chair. The  
11 Story Pole Policy has been in effect since 1998. I'm  
12 wondering why now are there changes that want to be made to  
13 it? Is it because of the new pending larger projects? I  
14 know the builders have always known of the cost. This is  
15 usually a built-in cost and they've been aware of this, so  
16 I'm wondering is there something that has triggered the  
17 desire to change our policy?  
18

19           JENNIFER ARMER: Thank you for that question.  
20 Yes, as stated in the Staff Report the reason for bringing  
21 this forward was based on direction from Town Council,  
22 because we have had several taller projects come through  
23 that required a request for an exception, which added  
24 multiple months to the process for those and added to the  
25 work of the Town Council, and Council indicated that once

1 buildings go more than 35-40' that this may be a recurring  
2 issue. They did ask Staff to bring to Planning Commission  
3 this discussion for what modifications may be needed.

4 In addition to that, you have heard and seen in  
5 written comments a number of other concerns from the public  
6 and suggestions for modifications and alternatives, and so  
7 those have also been incorporated into the items proposed  
8 for consideration tonight as part of this discussion.

9 In addition, as was previously mentioned, there  
10 also is a discussion for production of housing and whether  
11 this is considered a governmental constraint. It is  
12 something that is currently in the Draft Housing Element  
13 for consideration, that we would look at the Story Pole  
14 Policy to consider whether modification should be made. No  
15 determination has been made whether it needs to be changed.

16 CHAIR BARNETT: Does that answer the question?  
17 Any further questions of Staff at this time? If not, we'll  
18 open the public portion of the public meeting on Item 2 and  
19 invite comments from members of the public, and we'll start  
20 with anyone who may be participating on Zoom. Mr. Paulson,  
21 do we have any?  
22

23 JOEL PAULSON: Thank you, Chair. For the  
24 participants on Zoom, if you wish to speak on the Story  
25

1 Pole Policy please raise your hand. The first speaker will  
2 be Jessie.

3 JESSE BRISTOW: Good evening. I'm not sure if you  
4 can hear me, but my name is Jessie Bristow of Swenson  
5 Builders and I'm listening in for YouTube because there is  
6 no audio on Zoom, but I hope you can hear me, and it looks  
7 like everyone can.

8 I'll just speak to our project, which is on  
9 Shelburne and Winchester, and as earlier discussed the  
10 project that we're proposing, the building height is around  
11 38 feet and then we have a mansard roof, which is designed  
12 to hide the solar equipment and heating and all those  
13 things and reflect the architecture that was requested per  
14 our Community Advisory Committee meeting.

15 Essentially what happened is we used string flags  
16 to accommodate that size, because once you go that height  
17 you cannot do netting and so we had asked for a Variance,  
18 and then actually had to ask for a Variance twice because  
19 of trying to implement that new design that Council  
20 recommended for us, and additionally all the storms that we  
21 had, so now we have a Variance to create a 3-D walk-through  
22 video of the project, which we actually feel articulates  
23 the architecture in the finished project much better, but I  
24  
25

1 would agree with the discussion that it could be a  
2 constraint for future housing.

3           It is exceptionally costly. The vendor that we  
4 used is one of, I want to say, two in the Bay Area and our  
5 initial install was about \$70,000, and on top of that we  
6 pay about \$7,000 a month on rent for those flags that  
7 essentially aren't doing anything for our project, and  
8 we've had those flags installed since November, so it is  
9 painfully expensive and it does prevent us from trying to  
10 move our project forward to the Planning Commission.  
11

12           And again, one of our discussions that we had at  
13 our most recent City Council meeting was do the flags  
14 really even highlight what's going to be there? There were  
15 some neighbors and some Council Members saying, "We just  
16 see some orange flags in the sky and we don't know what  
17 that means," and so I feel that it can be prohibitive.

18           I think there are alternative solutions, such as  
19 renderings, such as videos. We have a lot of technology  
20 today that we can use, so that's just our experience in a  
21 nutshell.

22           I apologize, I only have three minutes, but we do  
23 encourage a change to the policy, especially with future  
24 RHNA housing goals and density bonuses that allow you to  
25 break the height. Thank you for your time.

1 CHAIR BARNETT: Thank you very much, Jessie, and  
2 before you go we will ask any of the Commissioners if they  
3 have questions for you? I'm not seeing any. Thank you very  
4 much. Oh, I guess I would like you to explain the video  
5 process, like were there particular protections to make  
6 sure that it was accurate?

7 JESSE BRISTOW: (No response.)

8 CHAIR BARNETT: He may have hung up.

9 JOEL PAULSON: Did KCAT look into...

10 JENNIFER ARMER: KCAT did check and they've got  
11 the audio coming through, so they're not sure whether it's  
12 something on his end.  
13

14 CHAIR BARNETT: Well, Jessie, we'll give you  
15 another opportunity to participate after we're done with  
16 the other public comments, and I'd like to see if you have  
17 responses to that kind of question, or if any other  
18 Commissioners at that time wish to ask questions of you.

19 Do we have anyone on Zoom, Mr. Paulson?

20 JOEL PAULSON: Thank you, Chair. If anyone else  
21 on Zoom would like to speak on this item, please raise your  
22 hand. I'm not seeing any hands yet, Chair, but maybe we'll  
23 go to the folks in the room and then reach out again.

24 CHAIR BARNETT: Agreed. So why don't we start  
25 with Mr. Fagot? Thank you for coming and speaking.

1           LEE FAGOT: Good evening, and thank you all for  
2 the work that you're doing on behalf of our community.  
3 Appreciate it. I'm speaking as an individual in our town, a  
4 long-term resident; I'm not representing any groups.

5           I think that we need to be considerate of the  
6 long-term impact of new construction that goes on in town,  
7 regardless of whether it is residential, commercial, or  
8 whatever. It's there for a long time and it's in a variety  
9 of different types of neighborhoods, historic as well as  
10 general commercial, and so forth. It is not just in that  
11 particular neighborhood where the construction is  
12 occurring, but it is impactful town-wide, and therefore all  
13 members of the community, all members of the Town, should  
14 be able to see what this new construction is going to look  
15 like.  
16

17           I like the idea of the virtual, but not alone.  
18 I'm advocating for the story poles. Story poles help give a  
19 better image of what the impact is going to be from  
20 different perspectives as you look at the site,  
21 particularly with the hillsides and our various  
22 topographies.

23           I believe that there is an opportunity to perhaps  
24 have less dense netting so it's not going to be impacted by  
25 strong winds as we saw back in December and January, so

1 that type of amendment I think would be very helpful for  
2 the contractors, and story poles without netting makes no  
3 sense.

4 I think also the suggestion that was made to put  
5 flags at the top where the peak of a roof would be would  
6 help to give it a perspective, so the flags with less dense  
7 netting would be good with these story poles.

8 Also, markings on the story poles like every 10'  
9 so you get a sense of how high this construction is going  
10 to be, and those markings should start at the new grade,  
11 not just where the site is currently.

12 That's my proposal. Please consider that as you  
13 make a decision to make your recommendation to the Council.  
14 Story poles have been working for a long time. Yes, there  
15 is a cost associated with it, but the benefit is the larger  
16 community gets to see what the impact is going to be on  
17 that site, and that's helpful for this town to have its  
18 sense of community and wellbeing. Thank you for your time  
19 and your work for us.

20  
21 CHAIR BARNETT: Thank you, and I'll ask if any  
22 Commissioners have questions for you. Commissioner Thomas.

23 COMMISSIONER THOMAS: Yes, I do. Thank you, Mr.  
24 Fagot, for coming tonight.  
25

1 My question for you is you mainly mentioned new  
2 construction. Our Story Pole Policy accounts for remodels  
3 and things like that, so I was wondering what your feelings  
4 were about those?

5 LEE FAGOT: When I say new construction I mean on  
6 perhaps an existing site that has already been developed,  
7 so not just a blank tarmac.

8 COMMISSIONER THOMAS: So additions and new  
9 builds?

10 LEE FAGOT: Correct.

11 COMMISSIONER THOMAS: Thank you.

12 CHAIR BARNETT: Thank you. Any other questions?  
13 It looks like not. Thank you again. We'll now call on Mr.  
14 Cross.  
15

16 NOEL CROSS: Thank you. My name is Noel Cross;  
17 I'm a practicing architect for over 35 years, and most of  
18 that has been in the Town of Los Gatos and I've had maybe  
19 dozens of projects before the Commission.

20 I hope you read our letter. Bess Wiersema mostly  
21 wrote it, but there are six or eight of us architects that  
22 regularly go before this Commission and work with the Town  
23 and we had a lot of input into that. Thank you for letting  
24 us talk about something that we deal with every day very  
25



1 intimately and we know all the ins and outs of it. I'd like  
2 to underline just a few points in the letter.

3           Basically story poles are really more hurtful  
4 than helpful. They really don't represent the character of  
5 the building at all. They represent only the worst parts of  
6 it: the mass, the height and the bulk of the structure, but  
7 they don't communicate any nuance, any materials, color,  
8 shade, shadow, roofline, proportion, all the things  
9 architects care passionately about and we work on in our 3-  
10 D renderings, and we think about that all the time, and  
11 those things go up and it conveys none of that.  
12

13           What I have learned in over 35 years of doing  
14 this is that the neighbors of our projects are very  
15 fearful, mostly about the unknown, and because these story  
16 poles convey none of the nuance and the beauty, how the sun  
17 reflects off of a roof or wall or how a certain overhang  
18 shades the building, none of that gets conveyed with these  
19 story poles and so it only stokes the fear and makes it  
20 worse. Our renderings are way better at communicating  
21 actually what is going on, because sometimes there are  
22 areas where the hill is graded away, there's a fence,  
23 there's some trees, there's landscaping, all of which is in  
24 our renderings, none of which is conveyed by these story  
25 poles.

1           An analogy is it's like trying to convey one of  
2 Mozart's most beautiful symphonies by just showing you the  
3 sheet music; you don't get it at all. You don't really  
4 understand any of it.

5           Also, the ironic part is the color of the netting  
6 is orange. Somebody did the research and it's an LRV of 44,  
7 but the Hillside Design Guidelines require nothing more  
8 than a 30. Why are we having something orange and  
9 fluorescent when that is not what is really going to be up  
10 there? Most roofs are dark, earth tone, black, brown, grey,  
11 and the orange is not a color that's in any project I've  
12 ever designed, that's for sure.

14           CHAIR BARNETT: Unfortunately, your time is up.  
15 You'll have a further opportunity to speak if there are  
16 questions from the Commissioners. Vice Chair Raspe.

17           VICE CHAIR RASPE: Thank you, Chair. First of  
18 all, thank you, Mr. Cross, for your comments. You indicated  
19 that you are an architect practicing here in Los Gatos. I  
20 imagine you've practiced in other jurisdictions as well?

21           NOEL CROSS: Oh, yes.

22           VICE CHAIR RASPE: Can you explain to us your  
23 experience in other jurisdictions that don't use story  
24 poles? How do you convey the massing, the idea of the  
25 building, in those jurisdictions?

1 NOEL CROSS: They rely on our renderings.

2 VICE CHAIR RASPE: How do you convey those to the  
3 public?

4 NOEL CROSS: Well, we have to turn in renderings.  
5 We do it because it's a smart thing, showing floor plans  
6 and elevations. Most people can't understand that, so  
7 computer renderings are really the... And they're extremely  
8 accurate, because they have to be, because we're designing  
9 the entire building; we're representing it. They also  
10 become our elevations which get measured by Staff, and so  
11 it's really something from which you get the sense of what  
12 the building looks like as opposed to just the poles and  
13 the orange netting and all you get is the worst part, which  
14 is the size of it.

15  
16 And to make it worse, especially if there's any  
17 existing building that you're either tearing down or adding  
18 to, it's so confusing for people. I did one project in  
19 Saratoga where 80% of the new building was not in the same  
20 footprint as the old building, so it would have appeared  
21 twice as big, because people cannot subtract the building  
22 that's going to be torn down, and so we were given the  
23 option of not doing them and we took that.

24 VICE CHAIR RASPE: Thank you. I appreciate that  
25 answer.

1 CHAIR BARNETT: Other questions for Mr. Cross? I  
2 have a question. Jessie who spoke first talked about a  
3 video presentation. Is that something that the  
4 architectural community is beginning to look at?

5 NOEL CROSS: Yes. In the last couple of years our  
6 software that we use is Archicad, and there's a new app  
7 with the last maybe three iterations of the software and  
8 it's called Twinmotion, and you basically input the thing  
9 and then you can create a movie. You can drive down the  
10 sidewalk, you can go around the back yard, you can fly and  
11 you can create a movie, and then show context obviously  
12 too. We often will show the neighboring buildings in a very  
13 simple way, basically just relatively boxy, so that you can  
14 see the relationship of the sizes of the buildings.  
15

16 CHAIR BARNETT: It would show the size and height  
17 of the neighborhood residences?

18 NOEL CROSS: Yes. We have to do that already with  
19 streetscape elevations, especially if it's in a  
20 neighborhood where the buildings are close together. Not so  
21 relevant with a hillside project.

22 CHAIR BARNETT: Those are my questions. Thank you  
23 for your responses. Commissioner Thomas.

24 COMMISSIONER THOMAS: I just have a follow up to  
25 that question. Thank you for coming tonight and speaking

1 and answering our questions. My question is related to once  
2 that video is made how easy is it to change things? For  
3 example, if those videos of like in the renderings were  
4 made available to the public and public notice went out  
5 earlier than typically what we've seen with the story  
6 poles, story pole go up and then it's kind of toward the  
7 end of the process. How easy is it to tweak things if  
8 something came out about people having an issue with the  
9 color or something and that was a compromise that needed to  
10 be made during the planning process?

12 NOEL CROSS: I'm not sure the video changes  
13 anything, because we're going to do renderings anyway, and  
14 it's to our advantage and it's a requirement. You just take  
15 stills from different angles and if changes are going to be  
16 made with the color, height, roof, and things like that,  
17 we're going to make them in the model. When you create a  
18 video you don't need to recreate it in a sense, you just  
19 change the building and hit play again and it's the same  
20 video.

22 COMMISSIONER THOMAS: So it would be similar to  
23 like if you were changing the renderings: you just click a  
24 few things and save the changes and it's updated?

25 NOEL CROSS: You make it sound so simple.

1 COMMISSIONER THOMAS: But yes, it's a similar  
2 process.

3 NOEL CROSS: No, the video doesn't change  
4 anything.

5 COMMISSIONER THOMAS: Okay, perfect. Thank you.

6 CHAIR BARNETT: Further questions? I came up with  
7 another one. Can you speak to the issue of the cost of  
8 doing actual modeling?

9 NOEL CROSS: Well, we're doing 3-D stuff anyway.

10 CHAIR BARNETT: I'm talking about physical  
11 modeling.

12 NOEL CROSS: Part of the construction documents  
13 process is part of the entire process of designing the  
14 building. We're doing the virtual 3-D model, and so there's  
15 no added cost.

16 CHAIR BARNETT: I'm speaking to a physical model.

17 NOEL CROSS: Oh, physical model. That's a whole  
18 different thing. We used to do those, but they are very  
19 costly; they are quite costly. They are cool though. I  
20 would have to say that even in video, renderings, things  
21 like that, and even if you were just to do a walk-around on  
22 screen, it's still harder for the human eye and brain to  
23 figure that stuff out. When you see a physical model, it  
24 takes one second and you get it.

1 I did a presentation to the San Jose City Council  
2 and we were doing a very large 105 unit thing and it was  
3 relatively modern, and so we had floor plans and elevations  
4 and it was relatively featureless, and we got a lot of  
5 nonverbal communication from the members of the City  
6 Council who were like this is not going well. Then the  
7 people who were bringing the model in, which we were late,  
8 it's big model, and they brought it in and set it down and  
9 it was a couple of city blocks. All of a sudden everybody  
10 is smiling and so many people said, "I was going to vote  
11 no, but it's an absolute solid yes," just because of that  
12 physical model, so they are really effective.

14 CHAIR BARNETT: Can you give us any idea of a  
15 cost factor that's involved in it?

16 NOEL CROSS: I don't know, it's kind of hard to  
17 say; we haven't done it in a while. But they are time  
18 consuming, and if you really want to do it professionally  
19 you get somebody to do it. We've done 3-D models. I've done  
20 them with the 3-D printer; we've done that. Kind of  
21 expensive, but I would wager to say on a typical  
22 residential project probably not as much as story poles.  
23 Story poles are in the \$15,000-\$20,000 range.

24 CHAIR BARNETT: No other questions? Okay, thank  
25 you again. Next we have Ms. Wiersema.

1           BESS WIERSEMA: Good evening, Commissioners. Bess  
2 Wiersema, Studio3. Also a local architect. I've been  
3 working in the Town of Los Gatos for not as long as Noel,  
4 probably don't make as pretty models as Noel, but I just  
5 wanted to reiterate please take a look at the points that  
6 we made in the letter that we gave you last time that were  
7 some specific suggestions that we felt could be built into  
8 modifying the Story Pole Policy in terms of creating  
9 certain buckets.

10  
11           Maybe there are projects that don't need story  
12 poles. Maybe if something is highly contested, or a larger  
13 project, or is asking for an exception or a Variance, maybe  
14 those are the projects that are story poled, but if  
15 neighbors are fine with looking at 3-D computer models and  
16 renderings... And I think when we all refer to 3-D models  
17 today we're really talking computer renderings over actual  
18 physical models, and I think those are more helpful anyway.

19           I would like to say that we know staff has put a  
20 lot of work into this issue, but unfortunately the owners,  
21 developers, and design professionals have not had a chance  
22 to timely produce our recommendations. We're trying to get  
23 better following Staff communication and deadlines, but  
24 they have been challenging to keep up with, and direct  
25 notices and requests for comments come too late, as in last



1 Friday, for us to remember to give you additional feedback;  
2 we apologize for that. We know this is a very important  
3 issue and we feel very strongly that it's actually directly  
4 related to the permit streamlining process, which is  
5 something that Town Council has directed staff to work with  
6 local design professionals on.

7           We would like to suggest having a study session  
8 for a group of design professionals, owners, developers,  
9 story pole contractors, and Town staff and to use tonight's  
10 Staff Report as a basis for a more thorough and meaningful  
11 discussion, and to be able to come back to the Planning  
12 Commission with a collaborative recommendation that  
13 probably has more specifics in it that actually address  
14 things like buckets of when something, or at what level  
15 something, and how something should be story poled.

17           I think there are two issues here. One is story  
18 poles—as you've heard every design professional say—do not  
19 accurately represent a project, period, end of report.  
20 There is no workaround for that. Second, it's the process  
21 in which the Town deals with the story poles, and that's  
22 where the permit process gets hung up and where we would  
23 like to see additional streamlining, because that's far  
24 different than even other local jurisdictions that have  
25 story poles.

1 I think it would be nice if Staff and ordinances  
2 that were made would rely on the professionals like civil  
3 engineers who have to certify that ridge heights are there,  
4 story pole setters that have to put the poles up and know  
5 how to put them up better than what we might draw, better  
6 than might get edited for what wants to see them being  
7 drawn. We're not building a house out of pickup sticks.

8 CHAIR BARNETT: We're at three minutes. Why don't  
9 we let Commissioners ask you questions, and you can get  
10 into some of the other areas you wanted to. Other  
11 questions? Commissioner Burnett.

12 COMMISSIONER BURNETT: Yes, thank you, Chair. I'm  
13 a little confused. Are you requesting no story poles for  
14 any and all new buildings, or buildings, or additions? I'm  
15 sure the Town could streamline your permit process and do  
16 other things to help with what you've requested in the  
17 past, but what do you really want from us?

18 BESS WIERSEMA: I want to be clear. The letter,  
19 even though it came from my email and I'm the one who  
20 somehow got to wear the crown, the "we" in this is not me.  
21 I am part of it, but it is actually a collaborative group  
22 of six or eight architects and a developer who got together  
23 and talked about how we can help things be better in the  
24 process or how we're each managing different things.

1           In the original letter that we submitted after we  
2 knew that this was on the docket we did have some  
3 suggestions that we didn't believe certain things needed to  
4 be story poled. We suggest that no single-story new home  
5 needs to be story poled regardless of location unless it is  
6 asking for an exception or a Variance. No single-story  
7 addition should need to be story poled. No story poles  
8 should be required if there are added roof elements to a  
9 single- or two-story home that sits within the overall  
10 massing and below the highest existing ridgeline, such as  
11 dormers or an additional shed roof portion or things of  
12 this nature.

14           I think we also had a conversation as a group  
15 about neighbors and owners really want renderings. They  
16 want to see what this is actually going to look like. They  
17 are more responsive to that, they have more educated  
18 questions about it. It's not a fear-based conversation, so  
19 if there is no contest from the immediate neighbors, which  
20 I think is who we are deemed to really making sure that the  
21 overall massing is fitting in on, and we do a lot of  
22 drawings, not just story poles. Plans to show how that  
23 works, and that's reviewed by Larry Cannon, by the  
24 planners, we get feedback on it. I think if it's an  
25 uncontested project and we don't have an issue, then why

1 are we going through this extra step? If the immediate  
2 neighbors, who are supposed to be the most impacted, are  
3 okay with it, do we really need to story pole the project?

4 Did I answer your question?

5 COMMISSIONER BURNETT: Mostly. I have a follow up  
6 question.

7 CHAIR BARNETT: Sure, please proceed.

8 COMMISSIONER BURNETT: The follow up question  
9 would be so people in town that are driving by and there's  
10 going to be a project, and they're working and not aware of  
11 what's going on, but the policy now has changed and there's  
12 going to be no story poles but you have to access it by  
13 video or what your suggestions are to see what the new  
14 project will be like, and then all of a sudden now this  
15 large building goes up. So are there other ways to sort of  
16 let the public know rather than video? I don't see people  
17 that are busy with work accessing a video. If you have  
18 flyers, if you put it in the newspaper, if you document it  
19 if it's going to be a large project, and I'm just saying  
20 this might be an option, to help alert the neighbor or the  
21 community of what's going on. I think there should be some  
22 communication.  
23

24 BESS WIERSEMA: I agree with that. Let me back up  
25 and say that the majority of the comments that we gave and

1 what I can speak to as a professional has really to do with  
2 single-family homes from an architectural perspective. My  
3 feedback really is not about a big 100-unit development or  
4 something like that, so when I'm answering this, that's on  
5 our behalf and we speak as a group of residential  
6 architects. I know some of us in the group do bigger  
7 projects, but in general our comments are based on  
8 individual single-family homes.

9  
10 Notification happens in a couple different ways.  
11 We are asked, if not required, to be sure that immediate  
12 neighbors are notified; those are the ones that are most  
13 impacted. There is a sign that goes up when we story pole a  
14 project, so why not continue the sign? Why not have more  
15 than one rendering and have a couple views of that? On  
16 those signs it's required that we put the application  
17 number, the request, what's going on, some critical  
18 information, so there's a lot of information and people can  
19 then go on to Town's site and look at plans. They can also  
20 come down and now meet at the counter and have a planner  
21 walk them through questions, and this does happen. We do  
22 sometimes get feedback from some completely random person  
23 that isn't even in the neighborhood that has decided to  
24 take an interest in the project.  
25

1           On most of these projects they will also have a  
2 tech review or another form of a hearing where neighbors  
3 can come and speak and ask questions and talk about it, so  
4 there are multiple steps along the way besides story poles  
5 where people do get noticed.

6           COMMISSIONER BURNETT: Thank you.

7           COMMISSIONER BURNETT: Further questions?  
8 Commissioner Clark.

9           COMMISSIONER CLARK: Thank you. Just a quick  
10 question. How do you generally notify the immediate  
11 neighbors?  
12

13           BESS WIERSEMA: What I recommend to my clients,  
14 and I think you could ask everyone here, we ask our client,  
15 who obviously has these people as their neighbors, to  
16 please reach out at the appropriate time. We ask our  
17 clients to host a little social, whether that's a happy  
18 hour, a coffee hour, or whatever, and I normally come so  
19 that I can answer any questions. We have a set of plans  
20 there, and normally we'll have the 3-D rendering views that  
21 aren't required with story poles per se except for the one  
22 for the sign, and we share those, we talk about them, we  
23 keep a list of which neighbors and what address came.  
24

25           If it's a project that's noticed to a larger  
group because it's a larger project, then that notification

1 goes out from the Town and we make sure that we also say  
2 this is when we're doing this and we let people know.

3           Some of my clients will prefer not to do  
4 something in person, so they do kind of an email blast and  
5 we just collect information and we let the planners know  
6 what we did for changes or no changes. It's kind of a mix.

7           The thing I think is interesting is that people  
8 do respond to renderings much better, in person, etc., and  
9 I think we'd love the opportunity to share with you. We  
10 could all bring project examples where we show you what  
11 some story poles look like, we show you what an actual  
12 rendering that's keyed to that looks like, and we can even  
13 show you final products, and I'm going to bet that all of  
14 you are going to hate the story poles, the rendering is  
15 going to be exciting on some level, and the final product  
16 is actually going to be the best.

17           I think you should understand the documents that  
18 go into the process. I think you should know and see what  
19 those all are. We do get edits from Staff that add to the  
20 time of the permit process, etc., so I think there are a  
21 couple of issues going on here, not just the story poles  
22 themselves and how neighbors are noticed, but also the  
23 process.  
24  
25

1 CHAIR BARNETT: Other questions? It looks like  
2 you're free finally to go. Thank you so much for coming and  
3 providing your opinions. Do we have anyone back on Zoom?

4 JOEL PAULSON: We do. I'm not certain that we  
5 actually have the problem solved, but we're going to give  
6 it a shot.

7 JENNIFER ARMER: Through the Chair, I have  
8 actually communicated with the two people who are on Zoom.  
9 They are both interested in speaking and they've been  
10 listening to it through YouTube, so they have been able to  
11 listen to the discussion, but they may be delayed in  
12 answering questions. What I'd like to recommend is that if  
13 you want to restate the question that you had for the first  
14 online speaker, Jessie, that we might go to Mr. Capobres  
15 for him to give his comments, and that gives the first  
16 speaker time to hear your question so that then we can come  
17 to him at the end, if that works for the Chair. It's a  
18 little confusing and tangled, I know.

19 CHAIR BARNETT: That's fine. Why don't we proceed  
20 in order beginning with Jessie, if he's back, and we can  
21 certainly interrupt our larger discussion to receive other  
22 comments from the public?

23 JENNIFER ARMER: So for Jessie, who we already  
24 heard from, he has already used the three minutes but he is



1 available to answer your question, so if you still have a  
2 question to ask of him, you could ask that now.

3 CHAIR BARNETT: Okay, thank you for that. My  
4 question to Jessie was how do you perceive a way to ensure  
5 the...

6 JESSE BRISTOW: Jessie Bristow again. I  
7 apologize. There's probably about a 30-second lag in what I  
8 hear on YouTube. I apologize. So I would just like to  
9 answer as far as the original question from the Chair on  
10 how precise is the model? The previous speaker, Noel, spoke  
11 greatly about that. It's exact, so it is a CAD model and it  
12 is to those exact measurements, so the video you are seeing  
13 is to true scale.

14 I know there is discussion about the cost and I  
15 think that was more related to single-family homes, so I  
16 just wanted to express that the cost is kind of reflective  
17 of the size and we do have a relatively large building, so  
18 that's why our cost is more.

19 Another note that I took was how do people  
20 passing by have access to these potential renderings or 3-D  
21 video? We were directed by Town Council to put in a QR code  
22 on our signage with renderings. We have four parcels, so we  
23 were directed to have a sign on each parcel with the  
24 rendering with a disclaimer saying, "These flags do not  
25

1 represent the true model Please look at this QR code," and  
2 the QR code will take someone to our 3-D video, which the  
3 previous architect spoke of, that you can look at these  
4 with plantings, with shadows, at different times of day.

5 I would say we're about 90% done with the video  
6 that we are working on after we were allowed by Town  
7 Council to have a 3-D walk-through model, and we're really  
8 excited about it, and so we're hopeful that you guys will  
9 be able to see that soon and maybe that's something that  
10 can help with your decision making in the future.

11 I do apologize if I'm not able to answer anything  
12 further, but I will listen to the feedback. Thanks.

13 CHAIR BARNETT: Well, if I can just ask for one  
14 clarification, and that is in the video is there a key to  
15 existing landmarks, corners of adjacent homes, for example,  
16 or other visual points of reference that could be used to  
17 assure the accuracy in terms of the viewpoints, for  
18 example?  
19

20 JOEL PAULSON: As Ms. Armer mentioned, it's  
21 probably going to be about 30 seconds before he hears this,  
22 so we'll just have to sit and wait.

23 JESSE BRISTOW: Hello. I don't mean to interrupt;  
24 I'm trying to keep up. To answer the question, the whole  
25 intent of the 3-D model is to show the true relationship of

1 the neighbors. More specifically I believe it's University  
2 Townhomes or University Oaks, which are the townhomes right  
3 next door, and so really wanted to show the relationship of  
4 the concerned neighbors and the adjacent building that's at  
5 two stories with their related frontage, and then we  
6 actually use drone footage to do a flyover to show the  
7 relationship of the finished product to the rest of the  
8 Town and the neighbors. So yes, it's to further highlight  
9 that relationship more so than what you would see in a 2-D  
10 rendering. I apologize if I'm speaking out of turn.

11  
12 CHAIR BARNETT: No, that's a very good response  
13 to my question. I appreciate that, and I don't think there  
14 are other questions from the Commissioners, so thank you  
15 for your participation.

16 JOEL PAULSON: Chair, there is one more speaker  
17 on Zoom, Don Capobres.

18 DON CAPOBRES: My name is Don Capobres. Good  
19 evening, Chair Barnett, Commissioners, and Staff.

20 I'm going to just kind of jump to the chase. I  
21 know we've submitted some letters on our viewpoint on the  
22 story poles, but in the spirit of trying to be  
23 collaborative and give you some of our experience on the  
24 North Forty and maybe some suggestions on other methods,  
25

1 I'm going to skip all that negativity in my prepared  
2 comments.

3           At the last hearing there was general consensus  
4 that story poles are largely effective in alerting the  
5 general public about potential land uses, and I believe  
6 that, but there has got to be a better way to do this. I  
7 want to highlight some of the biggest concerns that we had  
8 during the North Forty story pole program.

9           First of all, they should have been done when  
10 there was a chance for the public to make an impact on the  
11 land use policy decisions, and I'm not really sure how to  
12 implement this, but for example, it should have been done  
13 at the beginning of the Specific Plan process, not with an  
14 application that complied with the Specific Plan. In the  
15 case of phase two of the North Forty, we're in the Housing  
16 Element; we now have an SB 330 pre-application in. It's too  
17 late for the general public to really make significant  
18 changes to that, given State law protections.

19           Second, the interior story poles at the North  
20 Forty, we put up over 600 story poles at a cost of nearly  
21 \$1 million, and the general public could not see the  
22 interior poles and the only way to see them was to access  
23 the private property through an invitation. We're not  
24 required to have Council Members and Planning Commissioners  
25

1 walk the interior of the site, and so the general public  
2 really didn't have a chance to see the interior story  
3 poles.

4           Then the third biggest issue was that we were  
5 required to keep the 600-plus story poles up standing for  
6 over half a year as the various Planning Commission and  
7 Town Council hearings got extended, and that put a lot of  
8 cost into it, and danger, I think, from impacts on weather.  
9 We had to provide free rent to businesses out there,  
10 Enterprise Rent-A-Car, some office tenants, impacted  
11 residents. I think the length of time that the story poles  
12 were up was not really helpful to anybody. Again, if the  
13 main intent is to alert the public, I think people knew  
14 within the first couple of weeks that there was something  
15 happening on the North Forty.

17           I think there are other things. Technology has  
18 made great advances; other speakers have commented on that.  
19 I would say we have an 80-foot tall building proposed on  
20 phase two. Renting cranes to do story poles for that is  
21 just... We had to rent the boom lifts in phase one, and to  
22 rent four of those cost us \$20,000 times six months of  
23 \$20,000 just on that, so we would advocate looking at  
24 tethered balloons, the photo-simulations, and computer  
25 renderings. QR code-based technology, as the other speaker

1 has talked about, has advanced very well and we would be  
2 excited to try something like that out. We did build a  
3 physical model of the entire phase one of the North Forty  
4 that was housed at the library for some time, and 3-D  
5 printing has really helped the cost efficiency of that.

6 CHAIR BARNETT: Are there questions for Mr.  
7 Capobres from members of the Commission? I do not see any,  
8 so we'll move on to another speaker from Zoom.

9 JOEL PAULSON: There are no more speakers on  
10 Zoom, Chair.

11 CHAIR BARNETT: Very well, so now we'll close the  
12 public portion of the public hearing on Item 2, and I would  
13 proposed we proceed to the Staff Report on the suggested  
14 outline from Staff considering issues related to the story  
15 poles. They are designated items A-F on pages 14-17 of the  
16 Staff Report, and Item G sets forth opinions from our Town  
17 Attorney and we can consider that after covering the  
18 previous sections.

19 On each item we'll see if we have a consensus  
20 that would support a motion. If not, I understand that  
21 Staff will bring to the Council the ideas that we've  
22 discussed on that item.

23 We talked about the fact that there are no appeal  
24 rights on this. Did we talk about appeal rights? There will

1 be no appeal rights since this is only a recommendation to  
2 Council, and we discussed the fact that no findings will be  
3 required.

4           So why don't we move on to the Staff Report, Item  
5 A on page 14? This raises the basic question of whether  
6 story poles should be required by the Town or not, and  
7 we've been informed that the majority of the jurisdictions  
8 in the County do not have that requirement, and the issue  
9 is open for discussion by the Commission as to whether we  
10 want to follow the majority, or for reason particular to  
11 Los Gatos we would like to keep them. So we'll start with  
12 Commissioner Hanssen.  
13

14           COMMISSIONER HANSEN: I sit on the Housing  
15 Element Advisory Board and it was brought up by the HCD  
16 letter that potentially story poles can be an impediment to  
17 production of affordable housing, and I heard all the  
18 testimony from the architects and whatnot.

19           That being said, I don't think the people in our  
20 town would be ready to not have story poles at all. I think  
21 instead what might make sense is to look at the totality of  
22 the Story Pole Policy and see if there can be some things  
23 that could be taken out of having to have story poles, and  
24 we could talk about that. Those were some of the items that  
25 you have that are in the Staff Report.

1           For me personally, we've had story poles for  
2 quite some time, and with all due respect on the North  
3 Forty, even after having a committee that met for several  
4 years on the North Forty Specific Plan it wasn't until  
5 those story poles went up that people really started to  
6 understand what it meant to the Town, and it's been a hot  
7 topic of discussion on all the threads like Next Door and  
8 stuff since then, and so I think it would be a big, big  
9 step for the Town to think about going from what we have  
10 now to nothing, and I would prefer something, from my point  
11 of view, in between with a reduction and some streamlining.

12  
13           CHAIR BARNETT: Thank you for that comment.  
14 Commissioner Clark.

15           COMMISSIONER CLARK: I just have a quick question  
16 for Staff. For the majority of cities in our county that  
17 don't require story poles, does that mean that story poles  
18 never go up in their cities?

19           JENNIFER ARMER: That is my understanding, that  
20 they generally have signage that goes up with certain types  
21 of projects, but that story poles are not part of the  
22 process.

23           COMMISSIONER CLARK: Okay, thank you.

24           CHAIR BARNETT: Other comments? Vice Chair Raspe.  
25



1           VICE CHAIR RASPE: Thanks, Chair. First of all, I  
2 want to thank the public comments tonight via writing and  
3 on Zoom, as difficult as that was, to help us inform our  
4 decision. I think this really is a technical discussion in  
5 a lot of respects and I think it's really helpful to the  
6 Commission to have an informed and educated discussion.

7           I think it's evident from what we're hearing that  
8 story poles are at best a blunt instrument. There are  
9 certainly more effective ways, I think, that are coming  
10 into fashion now that we can use for our projects. That  
11 being said, I don't think they're without some purpose. I  
12 think they have a purpose of educating and alerting our  
13 public that projects are coming online, and I think they're  
14 useful in certain projects, although I think we probably in  
15 this town overuse them for every project.

16           My sense is, much like my fellow commissioner,  
17 there is a time and a place for them and I'd like to have a  
18 discussion about maybe winnowing that down to the more  
19 essential time and place and letting more projects go  
20 through a more streamlined and economic basis. Those are my  
21 thoughts.  
22

23           CHAIR BARNETT: Thank you. Other comments are  
24 most welcome. Commissioner Thomas.  
25

1                   COMMISSIONER THOMAS: I agree with what my fellow  
2 commissioners have said tonight. Are we going to make a  
3 motion?

4                   CHAIR BARNETT: We're ultimately looking for a  
5 motion. We can discuss that in the course of that.

6                   COMMISSIONER THOMAS: So then I move to recommend  
7 that we retain a requirement for installation of story  
8 poles for development projects with further details coming  
9 in the other sections with all of the things.  
10

11                  JENNIFER ARMER: Yes, I believe that should work.

12                  COMMISSIONER THOMAS: We think we should still  
13 have requirements, but not as many as we have right now, so  
14 we will discuss those.

15                  CHAIR BARNETT: Thanks for the motion. A second?  
16 Commissioner Burnett.

17                  COMMISSIONER BURNETT: I second that motion.

18                  CHAIR BARNETT: Thank you. Discussion?

19                  I just had a comment, which is I think there's  
20 some uniqueness to our town that may not be shared by some  
21 of the other jurisdictions in the County. We've got the  
22 hillsides, we've got historic areas, we've got established  
23 neighborhoods that have their own distinct characters, and  
24 while I believe in certainly paring down the requirements  
25

1 to when they're most essential, I do think that we should  
2 keep them also.

3           Can we have a show of hands in support of the  
4 motion? It's unanimous. Thank you very much.

5           Now lets move on to Item B concerning what types  
6 of projects should be required to install story poles, and  
7 what type should be excluded or exempt. You've got the  
8 agenda and Staff Report before you, so I don't know that I  
9 need to read the whole thing. I'll ask you to give some  
10 thought to that, I'm sure you already have, and to begin a  
11 discussion. Commissioner Thomas.

12           COMMISSIONER THOMAS: I'm happy to go first since  
13 I submitted some public comments to be shared with the  
14 Commission.

15           Just based on all of the comments that we've  
16 gotten from all of the public, architects, developers,  
17 etc., I agree that we are a unique jurisdiction compared to  
18 some of these other towns and cities near us, and so I  
19 thought that a good compromise would be we have different  
20 requirements for hillsides. I kind of looked at what the  
21 Town of Los Altos is doing versus the Town of Los Altos  
22 Hills and thought if we did a mix of that it would really  
23 meet our requirements here in town. I thought that we  
24 should have, similar to the different categories that the  
25

1 architects that spoke tonight and submitted public comment  
2 a month ago had, for in hillsides any new buildings, second  
3 story additions, additions exceeding 900 square feet,  
4 accessory structures exceeding 900 square feet, and then  
5 trees proposed to be removed.

6 I do have a couple of questions for Staff. I did  
7 notice in our policy and in other policies that were  
8 provided that this tree tagging is lumped into these story  
9 pole policies, but it's kind of a separate issue. I see why  
10 it was lumped in, but at the same time I don't know if we  
11 already have some sort of policy like our Tree Ordinance.  
12 Does our Tree Ordinance cover this anyway?

14 JENNIFER ARMER: Thank you for that question. I  
15 can provide clarification. At this time we require that  
16 when there are trees being removed as part of a project  
17 that there be an arborist report, and that would number and  
18 tag the trees with a little number on them, and the  
19 arborist report then shows which of those numbered trees  
20 would be removed.

21 I think what is being suggested in some of the  
22 comments is that some sort of colored tape would be put  
23 around the trees. I would say that in many cases those are  
24 going to be interior to the project site, and so putting  
25 that kind of tape on them would not actually be visible

1 from the public right-of-way to the public, but I would say  
2 that generally that is a separate category from story  
3 poles, but clearly has been part of the discussion in the  
4 comments received.

5           COMMISSIONER THOMAS: Okay, thank you. I feel  
6 like the trees should be removed, because it just  
7 complicates things, so I would no longer recommend that we  
8 include that here.

9           The main changes for this part was that it looked  
10 like the City of Los Altos Hills had a marker of 900 square  
11 feet or larger and that is what triggered this. Ours is  
12 smaller now; I think it was 100 square feet, which I feel  
13 is a little bit excessive. I just kind of put down the 900  
14 square feet. I'd be happy to hear what other Commissioners  
15 think about that number, but I do think that something  
16 different for hillsides would be important.

17           Then also I do think that projects in historic  
18 districts asking for exceptions or Variances is something  
19 that from all of the public comments that I've ever heard  
20 in all of the hearings that we've ever done, I know our  
21 historic districts are really important to us in town, and  
22 so I think that if anyone is asking for exceptions or  
23 Variances, unless the lot is nonconforming, because we do  
24 have some odd size or nonconforming lots in those areas

1 too, so I don't know if that triggers to the Community  
2 Development Director with regard to the exceptions process.

3           Those were kind of my thoughts, and then also  
4 requiring them maybe for Specific Plans similar to the  
5 North Forty, even though I understand that that didn't end  
6 up being productive, but some sort of requirement for that.

7           CHAIR BARNETT: Thank you. That gets us well on  
8 our way in the discussion. I recognize that Section B is  
9 the longest in the Staff Report and that there are  
10 subsections here, so I want to encourage comments in  
11 general, but maybe we should move on. In the first  
12 paragraph there's a general suggestion of discussion of the  
13 types of projects, and that's sort of continued in the use  
14 types, but I was wondering if other Commissioners had  
15 comments that are specifically related to the type of  
16 projects that should be included or excluded, and then we  
17 can move on. Commissioner Clark.

18           COMMISSIONER CLARK: I have a few thoughts. One  
19 is I don't see why we would need story poles for anything  
20 that's not going to Planning Commission. Sometimes I'll be  
21 on a walk and I'll see story poles and get excited, because  
22 we'll get to vote on this, and then I see that it's a minor  
23 development, so I think that we shouldn't have story poles  
24 for those.  
25

1 I don't think that they should be a requirement  
2 if it's a 100% affordable development, and I think we  
3 should even consider lessening that percentage. We have  
4 very few incentives available to us to incentivize  
5 affordable housing development, and I actually think that  
6 this could be something we could leverage to try to get  
7 developers to include more affordable units in their  
8 developments. For example, if they want to build something  
9 that is like 60'-70' I would hope that a lot of those would  
10 be affordable, and maybe if there was a percentage that if  
11 they reached they wouldn't need to have story poles, then  
12 they wouldn't have to do those cranes and stuff, and I  
13 think that that could end up being a good incentive.

14  
15 I don't think there should be story poles for  
16 additions to buildings, at least for the most part; I don't  
17 know how many nuances there would be in that.

18 Then also, we might start seeing more non-  
19 discretionary developments, like things that the Town  
20 doesn't even get a say over using the different bills and  
21 stuff, so I don't know if there already wouldn't be story  
22 poles for that because of the nature of it, but if we're  
23 not going to have a say in it I don't see why we would need  
24 to put those story poles up and make people afraid of  
25

1 something that probably won't look nearly as ugly as the  
2 story poles anyway.

3           Last, I agree that there should be a different  
4 set of requirements for the hillsides. I think that's a  
5 really good idea and that we should have more story poles  
6 around there, because those developments are a little more  
7 serious, I think.

8           CHAIR BARNETT: Thank you very much. That's a  
9 good contribution to the discussion. Commissioner Hanssen.

10           COMMISSIONER HANSSEN: I wanted to thank  
11 Commissioner Thomas for those suggested proposals.

12           I was looking at all the different kinds of  
13 things and where my thinking is in general on this is that  
14 there are certain parts of town where we do want to  
15 consider having story poles, for example, the hillsides,  
16 because when all is said and done we have the Hillside  
17 Standards and Guidelines and Hillside Specific Plan and the  
18 whole idea is to make sure we do our best to preserve the  
19 hillside while allowing some amount of residential  
20 development, so I think to take away story pole  
21 requirements for that would be a tough thing, not to  
22 mention the fact that even without the current land use for  
23 the 2040 General Plan, it's been referended, whatever gets  
24 approved is likely to go in that same direction because of  
25



1 fire safety to be very careful about development that is in  
2 the hillsides.

3 I would add to that list of projects, since we  
4 have a Historic Presentation Committee and it's so  
5 important to preserve our historic features of town, that I  
6 would want to have story poles for those kinds of projects,  
7 whether or not it is asking for a Variance.

8 Speaking to Commissioner Clark's general  
9 suggestion about Planning Commission or not, I would think  
10 that any other residential, especially single-family  
11 developments, if it's not asking for a Variance in height  
12 or setback or whatever that would cause it to come the  
13 Planning Commission, but I would call it a Variance, that I  
14 would think it wouldn't be an issue, except for one thing,  
15 and that's because of all the time I've sat on the Planning  
16 Commission where we have a lot of single-story  
17 neighborhoods, if someone comes in and both of the  
18 neighbors on either side are a single-family home with a  
19 single story and they're going to be 10' or 20' above them,  
20 I think that's something we have to consider as needing a  
21 story pole for that case, even if they're not asking for an  
22 exception, just because it's going to change the character  
23 of the neighborhood.  
24  
25

1           Then as far as the affordable housing, I too  
2 thought that if we were lucky enough to get a 100%  
3 affordable housing project we should let it happen, and it  
4 has to comply with our standards anyway, and so I think  
5 that we should give an exception for that, and that  
6 requires story poles.

7           CHAIR BARNETT: Thank you very much. Other  
8 comments? Vice Chair Raspe.

9           VICE CHAIR RASPE: Thank you, Chair. Commissioner  
10 Hanssen, I think you've taken all my great ideas, which we  
11 both took from Commissioner Thomas.

12           My thinking is, and I think I'm repeating  
13 ourselves, I think we're coming hopefully to somewhat of a  
14 consensus, but maybe just to simplify, my sense is I would  
15 like to see the story poles continue in historic districts  
16 and in the hillside areas for all projects. I think  
17 especially in the hillsides it's very valuable to see  
18 what's happening up there. We've had a couple projects that  
19 came before us you really don't get a sense of it until you  
20 look from the ground and you look up into a hillside and  
21 you see either netting or flags or whatever that may be. I  
22 think there is a value there.

23           With respect to every other portion of town my  
24 sense is with respect to new construction for single-family  
25

1 homes and commercial, if you are not seeking a Variance  
2 with respect to height or FAR or any other matter, and this  
3 goes with respect to additions, new construction, new  
4 rooflines, I don't see the value necessarily of story  
5 poles. I think those matters could be handled probably  
6 better by renderings, and as long as we have those  
7 renderings and can somehow make them available to the  
8 public via QR code or something else, I think that works,  
9 so I would use story poles in the hillside, in the historic  
10 districts for all construction, I would use them in other  
11 areas for where there are Variances sought, and I'd also  
12 use them for projects where there are Specific Plans or  
13 they're unusually large—North Forty is the obvious example—  
14 just to give a better sense of scale, but I think for the  
15 lion's share of single-family construction going on in our  
16 town that would obviate the need for story poles and handle  
17 it in a much less intrusive, more efficient manner with 3-D  
18 renderings.  
19

20 CHAIR BARNETT: Thank you for those comments.

21 Commissioner Clark.

22 COMMISSIONER CLARK: I just have one very brief  
23 comment. I agree with Commissioner Hanssen that a  
24 development in a neighborhood that's majority single-story  
25 and they come to Planning Commission because they're the

1 first two-story development in the immediate neighborhood  
2 or something like that, I think that's exactly the kind of  
3 thing where it still might make sense to have story poles  
4 to get an idea of the massing, because the whole reason  
5 it's coming to Planning Commission in that case is the  
6 massing, and that's why I was now using the language of  
7 Variances, why I would try to say if it's coming to  
8 Planning Commission because, yes, I do think that's an  
9 instance where we should have them.  
10

11 CHAIR BARNETT: Thank you. I do have one question  
12 for the Town Attorney. I think this is addressed in Section  
13 G already, but can you comment on the issue of story poles  
14 under the new emerging housing laws in terms of cost burden  
15 or procedural delay?

16 ATTORNEY WHELAN: There is no case exactly on  
17 point, but there are cases talking about what constitutes a  
18 constraint on housing in other contexts, and the cases talk  
19 about height limits, they talk about parking standards, and  
20 processing and permit procedures.

21 I do think conceivably an applicant could make an  
22 argument that imposing a story pole requirement did  
23 constitute a constraint on housing, but in the case that  
24 has been decided under the other fact patterns where it had  
25 to do with building height and parking standards the court

1 weighed that public interest against the burden on the  
2 applicant, and in those cases they came out in favor of the  
3 public interest that was at stake, and so that's a policy  
4 decision for the comment, like to what extent do the story  
5 poles serve a public policy interest, but the court would  
6 put a lot of weight on the public policy interest.

7 CHAIR BARNETT: Thank you very much. Before we  
8 ask for a motion, let be see if we have any further  
9 discussion. Commissioner Thomas.

10 COMMISSIONER THOMAS: My only question is that  
11 right now it does say this is nonresidential additions  
12 exceeding 100 square feet. I don't think that we are going  
13 to have non-residential in hillsides, so I don't think that  
14 we really need to discuss that here.

15 I suggested the 900 square feet because that's  
16 what Los Altos Hills has, and I assumed that their staff  
17 had been informed by some reason, but I am interested in  
18 hearing what other Commissioners think about that number or  
19 if that is something that we can just say of a specific  
20 number and say in our motion that Town Council decides.

21 CHAIR BARNETT: Thank you. Commissioner Clark.

22 COMMISSIONER CLARK: I'll just say that I would  
23 be in favor of the 900 square feet. I like that number; I  
24  
25

1 think it makes sense that if Los Altos Hills is doing it  
2 that we would do on our hills.

3           COMMISSIONER HANSSEN: I like the 900 square feet  
4 as well, I think it made a lot of sense, and plus we have  
5 an example from another jurisdictions that it seems to be  
6 working for them.

7           But I do also want to comment on the  
8 nonresidential additions exceeding 100 square feet. A lot  
9 of times we see in the hillside they don't just build a  
10 house, they build a compound, and the compound would have  
11 multiple buildings that they may not be living in. They use  
12 them and it's part of their residential compound, but  
13 they're not going to be sleeping there, and so I think, and  
14 Staff can correct, that a nonresidential addition exceeding  
15 100 square feet if in their current policy needs to be  
16 story poled.  
17

18           JENNIFER ARMER: Thank you for that question. No,  
19 my understanding of that third bullet is that that is for  
20 commercial properties where there are additions.

21           One clarification that I wanted to add to the  
22 discussion is the first bullet point in terms of what it  
23 applies to now excludes single-story accessory structures,  
24 so regardless of the size of a detached structure it is not  
25 currently required to be story poled even if it were 900

1 square feet or more, so that is one component to consider  
2 since I know that is included in the comments from  
3 Commissioner Thomas.

4           JOEL PAULSON: Through the Chair, one other idea  
5 to think about is even if we just go to hillsides, you  
6 potentially can do a 900 square foot addition or more  
7 through just a Building Permit, so if they're not tearing  
8 it down and they're not creating a demolition, then that  
9 would just be a Building Permit where we also would not be  
10 able to require story poles.

11           CHAIR BARNETT: Thanks for that clarification.  
12 Commissioner Thomas.

13           COMMISSIONER THOMAS: Then I do need some  
14 additional clarification. What is considered an accessory  
15 structure versus just a regular residential structure then?  
16

17           JENNIFER ARMER: Thank you. An accessory  
18 structure, you have the primary house and then you have  
19 detached structures; those are accessory to the main house.  
20 In some cases it may be an Accessory Dwelling Unit, in  
21 which case regardless of whether it's over 900 square feet  
22 it would just be a Building Permit. We do have a trigger in  
23 the hillsides that detached structures, accessory  
24 structures, over a certain size do need to have a higher  
25 level of review. I can look up what that threshold is right

1 now; I believe it's 450 square feet but I'll check on that  
2 for you.

3           JOEL PAULSON: While she's checking that I think  
4 just a little more information. It's a detached garage,  
5 it's an ADU, it's a pool house, so those are typical  
6 detached structures that we would see that are actually  
7 floor area, so it's not like a gazebo or something that's  
8 not enclosed, which are accessory structures but we still  
9 wouldn't have them story poled, because they're not  
10 technically square footage.  
11

12           CHAIR BARNETT: Thank you for that clarification.  
13 Commissioner Thomas.

14           COMMISSIONER THOMAS: So I think then that I'm  
15 open to any suggestions. I do feel like we need to keep  
16 some story poles for the hillsides, but I don't want to  
17 create additional burdens that what we currently have,  
18 because I feel like the standards that we currently have  
19 are working for the hillsides, so whatever other  
20 Commissioners think, however that looks I am happy with.

21           Then also we didn't discuss commercial yet, so I  
22 don't know if people have different opinions about  
23 commercial and/or mixed-use.  
24

25           CHAIR BARNETT: Right, so B is very comprehensive  
and we've been appropriately discussing it in different



1 contexts, but I think that that's a good point,  
2 Commissioner Thomas, and we can move on to that. I see on  
3 page 14 that the current Story Pole Policy requires  
4 nonresidential additions exceeding 100 square feet, and we  
5 just talked about it in terms of residential accessory  
6 structures. Maybe I could ask Staff to address where we  
7 might see the description of a nonresidential addition  
8 exceeding 100 square feet?  
9

10 JENNIFER ARMER: Thank you. A nonresidential  
11 addition exceeding 100 square feet often will trigger an  
12 Architecture and Site review application. In some cases  
13 that may just be going to the Development Review Committee  
14 if they are not asking for exceptions and they are  
15 complying with the Commercial Design Guidelines, and so  
16 that could just be an existing grocery store wants to add a  
17 little additional space for a café out front or something  
18 of that nature, so the 100 square foot is the trigger for  
19 those.

20 There are some minor changes to commercial  
21 buildings that can be done through a Building Permit, but  
22 generally if it's adding square footage, 100 square feet is  
23 generally threshold that we use for that moving to a  
24 Discretionary Permit.  
25

1 CHAIR BARNETT: Thank you, that's very helpful. I  
2 guess we have the larger question of whether we want to  
3 exclude story poles from new commercial or mixed-use, and  
4 maybe we could talk about that. Commissioner Hanssen.

5 COMMISSIONER HANSSEN: Our current Story Pole  
6 Policy, under what conditions do we require story poles for  
7 commercial and mixed-use?  
8

9 JENNIFER ARMER: For commercial buildings we  
10 would require it for new structures or for additions of 100  
11 square feet or more, as stated there.

12 In addition, to answer the earlier question about  
13 detached structures in the hillsides, the threshold for  
14 coming to Planning Commission for a detached structure is  
15 1,000 square feet. It would require a Discretionary Review  
16 for the Development Review Committee if it was between 600  
17 and 1,000 square feet, but over 1,000 is automatically  
18 reviewed by Planning Commission at this time, but would not  
19 generally be story poled if it's a single-story detached  
20 structure based on the current policy.

21 CHAIR BARNETT: Any other comments in terms of  
22 mixed-use or commercial? Vice Chair Raspe.

23 VICE CHAIR RASPE: Thank you, Chair. My thoughts  
24 on commercial and mixed-use are much like my thoughts on  
25 residential, that is, I'm not sure they are a great tool

1 where our applicant is bringing a project that's not  
2 seeking an exception to, again, either height, FAR, or  
3 other limiting requirements, so as long as the project is  
4 within our guidelines I think for all new and redeveloped  
5 commercial mixed-use projects story poles probably are not  
6 the best tool.

7 I'll put one caveat on there; we may want to  
8 consider really large projects, something bigger than the  
9 Whole Foods project that we just considered last month.  
10 That was a larger size project. I thought the story poles  
11 expressed pretty well what that project looked like, so  
12 perhaps there's a square footage we might want to consider  
13 over which we would use story poles. I think the day-to-  
14 day, to the extent there are any day-to-day mixed-use  
15 commercial projects in town, to the extent that they are  
16 not seeking exceptions, I wouldn't impose upon them a story  
17 pole requirement and, again, would just require 3-D  
18 renderings.

19  
20 CHAIR BARNETT: Thank you very much. Other  
21 thoughts? Commissioner Hanssen.

22 COMMISSIONER HANSEN: I agree with the Vice  
23 Chair on that general approach, and I thought of another  
24 property which we have seen before and I don't know where  
25 it currently stands because I think it's going through

1 things, but at the corner of Shannon Road there's the  
2 Artisan Wine Depot. We had seen that previously at Planning  
3 Commission and it caused a big up-stir with the neighbors,  
4 and ultimately I think they are going in a different  
5 direction anyway, but that's the kind of thing where I  
6 would not want story poles for that kind of project, but if  
7 it's just some remodeling or a new commercial building  
8 that's in compliance and it's not a very large structure  
9 that would seem like overkill to do the story poles for  
10 that kind of project.

11  
12 CHAIR BARNETT: I'm giving some thought to that.  
13 To the best of my knowledge the Shannon Road/Los Gatos  
14 Boulevard property originally was talking about a mixed-use  
15 commercial and residential, is that correct?

16 COMMISSIONER HANSSEN: The last thing was an  
17 office, I believe. Staff could correct me.

18 CHAIR BARNETT: Office only?

19 JENNIFER ARMER: Office above commercial of this  
20 different sort.

21 CHAIR BARNETT: Residential above commercial?

22 JENNIFER ARMER: It was office. At this time the  
23 proposal is office over commercial. I don't believe there  
24 is any residential as part of the current proposal.  
25

1 CHAIR BARNETT: Okay, that was my understanding  
2 too. Commissioner Burnett.

3 COMMISSIONER BURNETT: Yes, thank you. I have a  
4 question for Staff. If a project comes through and there  
5 are no Variances and it gets the green light from our  
6 Staff, however, the neighbors find out about the project  
7 and they're not happy about it, can they still appeal the  
8 project?  
9

10 JENNIFER ARMER: Thank you for that question. If  
11 there is a project that is going through a Discretionary  
12 Review process, whether it is a Minor Residential  
13 Development or a new second story on a single-story house,  
14 that does not require a public hearing. It still involves  
15 public notice and the ability to appeal the Director's  
16 decision. Projects that go to the Development Review  
17 Committee where they are complying with all of the  
18 regulations and complying with the Design Guidelines also  
19 can be appealed to the Planning Commission as long as the  
20 appellant is someone who qualifies to appeal the project as  
21 stated in Town Code.

22 COMMISSIONER BURNETT: Thank you.

23 CHAIR BARNETT: Other thoughts? We've covered a  
24 lot of ground. Commissioner Hanssen.  
25

1                   COMMISSIONER HANSSEN: I just wanted to bring up  
2 something that we didn't talk about, which was the building  
3 height. It did cross my mind that when we've talked about  
4 70', as Mr. Capobres mentioned, the complexities of doing  
5 story poles for that seem to be quite onerous because of  
6 the danger factor, so I don't know if we can recommend like  
7 a certain height limit that we can consider X alternative;  
8 I don't know if that would be better.

9  
10                   Some things were suggested, like putting a crane  
11 or whatever, or maybe we don't do story poles at all. I  
12 don't know what the best solution is, but I think it's  
13 important to make sure that the people in the Town are able  
14 to see those, but maybe the traditional way of doing story  
15 poles might not work, so I'm just curious to what other  
16 people think.

17                   CHAIR BARNETT: Thank you. Other thoughts?  
18 Commissioner Thomas.

19                   COMMISSIONER THOMAS: I agree, and I think that  
20 what we've heard from public comment is that one of the  
21 most important parts of the story poles is that it gives  
22 notice to people, and so I think that the concern with  
23 especially tall buildings or something, and some of these  
24 even commercial projects that we're talking about right  
25 now, it's really just about letting the public know, and I

1 think that we want to move away from the story poles  
2 letting the public know for reasons like what happened at  
3 the North Forty. By the time those story poles went up and  
4 everyone was like what's going on here, it was really too  
5 late for the community to be as heavily involved with the  
6 decision making, so I do think that when we talk in Section  
7 D, Signage And Alternatives For Signage I think that we can  
8 cover a lot of the major concerns and hopefully start to  
9 help people in town to transition from story poles trigger  
10 like this is a project that's happening and now I see the  
11 sign that triggers this is a project that's happening.  
12

13           That being said, for commercial and mixed-use  
14 projects I don't think that most of the time, even if  
15 they're new builds, we need story poles. I agree that if  
16 they're asking for an exception or a Variance, but I think  
17 we should kind of specify that, because I do think that  
18 there are a lot of exceptions and Variances that story  
19 poles aren't going to add or change anything. Maybe if it  
20 has to do with height or setbacks or something else I guess  
21 related to those things, but if it's any exception for,  
22 let's say, parking minimums, which I know we're going to  
23 get a lot more of because we're going to be in the process  
24 of changing our parking, I'm sure, and that's just the  
25 trend overall, so as the Boulevard redevelops we're going

1 to be getting a lot of requests for those things, I don't  
2 think something like a parking minimum should trigger story  
3 poles having to go up, if that makes sense. I don't know if  
4 there's a list of specific items that we could include or  
5 just make a general recommendation to Town Council that it  
6 should be specific for commercial buildings, but it looks  
7 like Ms. Armer has a suggestion.

8           JENNIFER ARMER: If that is the direction that  
9 the Commission is going it could be stated in the form of a  
10 Variance or exception related to physical characteristics  
11 of the structures, and so that it is something that is  
12 being shown by those story poles, and we could work to get  
13 something specific and more detailed for Town Council to  
14 consider.

15           CHAIR BARNETT: Good suggestion. We also haven't  
16 talked about the issue of flag ropes or pendants, and also  
17 the visibility exception. I wonder if anyone has comments  
18 on either of those topics? Oh, that's under alternatives.  
19 I'm sorry, I had that in my notes at this point. So let me  
20 just review our topics, we're under B, and make sure we've  
21 covered those.

22           I do think that we could focus more on the  
23 discretion issue, although that also comes up later. But on  
24 page 15 there's a discussion about the reviewing body: the



1 Director, Development Review Committee, Planning  
2 Commission, and Town Council. I guess this would be a  
3 suggestion that we consider this in terms of exceptions?

4 JENNIFER ARMER: Correct. I would say that a  
5 discussion of whom the deciding body is for any  
6 discretionary parts of this, that that's something that  
7 could be part of the discussion under Section E of the  
8 Staff Report, Modifying the Exception Process.

9  
10 And some of the other topics that you have  
11 mentioned recently about the flags could fall under the  
12 modifying physical requirements under Section C. Providing  
13 alternatives also could be discussed under Section D. The  
14 type of projects this applies to, I think, is what's been  
15 discussed so far, but we haven't received a motion on that  
16 yet.

17 CHAIR BARNETT: Right. Commissioner Hanssen.

18 COMMISSIONER HANSEN: I was just going to say  
19 relative to what you said, I think this started with  
20 Commissioner Clark making a suggestion that if the Planning  
21 Commission was the deciding body that there probably needed  
22 to be story poles, and that would include things like we  
23 talked about where it's the first two-story house in a  
24 single-family neighborhood, or it could be if there's a  
25

1 Variance; those types of things tend to trigger Planning  
2 Commission.

3 I thought we had already discussed that and had  
4 sort of a consensus, but I just put that out there. I know  
5 we did discuss it.

6 CHAIR BARNETT: Thank you. I guess the subject  
7 could also be addressed in Section E on page 16 when we get  
8 to that, or it could be made part of the motion; I have no  
9 problem with that. Commissioner Thomas.

10 COMMISSIONER THOMAS: I did have a question about  
11 Specific Plans, because I did put that into my  
12 recommendation about like special story pole requirements  
13 for Specific Plans. I have not been on the Planning  
14 Commission while any of these Specific Plans have been  
15 developed, but I know that the example is the North Forty  
16 Specific Plan, so I don't know if Staff could answer a  
17 couple of questions about how that's developed, if story  
18 poles can be included in that process or not, etc.

19 JENNIFER ARMER: Thank you for that question. I  
20 would say that just like with the development of the  
21 General Plan it's difficult when you don't have a specific  
22 development project in front of you to do a story pole  
23 installation. Generally a Specific Plan is going to be a  
24 smaller area than the General Plan, but it is generally for  
25

1 a large area, and so it's going to be looking at multiple  
2 buildings and you don't know what the configuration of  
3 those buildings are, whether the floor area would be done  
4 in a multi-story building or flat across. That is one of  
5 the difficulties about planning documents is we don't know  
6 how they will actually be implemented, and so it's  
7 difficult to do physical story poles in that case at that  
8 stage in the process.

9  
10 COMMISSIONER THOMAS: But is it legally possible  
11 when that plan is being developed as part of those  
12 agreements and the plan being processed that story poles  
13 will be part of the process later?

14 JENNIFER ARMER: I'll open it to our Town  
15 Attorney to see if she wants to add on that.

16 ATTORNEY WHELAN: I wouldn't refer to a Specific  
17 Plan as an agreement per se. I would consider it as like a  
18 mega zoning ordinance, like it's setting forth what the  
19 rules are, what the maximum can be, and so I think any  
20 requirement to impose story poles would probably live  
21 outside of the Specific Plan.

22 You might also be thinking of like Development  
23 Agreements where an Applicant comes in and they want a  
24 Development Agreement, and maybe they want to give an  
25 entity something extra in exchange for like vesting to

1 existing standards, and so as part of that Development  
2 Agreement maybe something extra they would give would be  
3 providing story poles or something like that, but for the  
4 Commission I would think of imposing the story pole  
5 requirement outside of the Specific Plan.

6 COMMISSIONER THOMAS: I was just thinking if we  
7 have like a large area. We don't have a lot of larger open  
8 spaces, but if we have a large area that there is going to  
9 be a development for, would we want in that specific space,  
10 but it's probably very niche, so not important.

11 I did want to go back to the reviewing body  
12 before making a motion, because I do not feel that every  
13 single thing that comes in front of the Planning Commission  
14 needs to be story poled, and I think that that might  
15 significantly delay processes that we're trying to help  
16 people streamline, so I'm happy to come to an agreement and  
17 just state that and know that Town Council knows that, but  
18 I don't think that every single thing that comes before us  
19 needs to be story poled, but I am curious to see what other  
20 people have to say about that, just to clarify that point.

21 Then also with regard to the historic districts,  
22 I just wanted some clarification about do you think all  
23 projects in historic districts, or just projects that are  
24  
25

1 listed in the historic inventory within the historic  
2 districts, should require story poles? Thank you.

3 CHAIR BARNETT: A lot of good thinking going on  
4 here. Commissioner Burnett.

5 COMMISSIONER BURNETT: Yes, thank you. To respond  
6 to that question, I think all homes in a historic district  
7 should have story poles, because it affects the whole  
8 district. Like if we ever get the Glenridge a district it  
9 will be 12 blocks, so I think homes impact the whole  
10 district.  
11

12 But back to another question for Staff, I'm a  
13 little confused here. You were saying that a large project  
14 would not require story poles if it doesn't have Variances,  
15 and of course there probably would be Variances, but if it  
16 didn't have Variances and it's a large project, let's say  
17 one of the ones that are going up on Los Gatos Boulevard,  
18 and it doesn't have Variances so it wouldn't require story  
19 poles, but on the other hand then how would citizens be  
20 able to appeal the size of it and the mass and density of  
21 it? Are they already permitted? When does that happen? I'm  
22 trying to educate myself and the probably the public on  
23 this subject; it's important to me. What I'm trying to  
24 address is that citizens have an ability to respond to a  
25 project, and if it's not required with story poles because

1 there are no Variances, how will the public know? I don't  
2 think looking at videos and renderings will do it, because  
3 people are busy and I don't think they'll be aware so much.

4 JENNIFER ARMER: Thank you for those questions.  
5 If you'd like, I can try to address some of that.

6 We were talking about where I was saying that  
7 story poles would not be required is when a Specific Plan  
8 or General Plan is being considered and adopted, because at  
9 that point we don't have a specific building design being  
10 proposed, it's more about setting the zoning rules for an  
11 area, and so when a development project does come through,  
12 then the question is at what points do story poles get  
13 installed?  
14

15 As I'm looking at my notes from the discussion  
16 the Planning Commission has been having this evening, the  
17 consensus items that I have heard was interest in having  
18 story poles for certain projects in the hillsides, projects  
19 in the historic district, projects where it is the first  
20 second story in what we define as the "immediate  
21 neighborhood," and for larger commercial projects the  
22 example of Whole Foods was given as trying to give a sense  
23 of what the threshold might be for what might be considered  
24 a larger project, but for anything smaller than that on any  
25 other single-family homes or smaller projects that it would

1 not require story poles unless they were requesting a  
2 Variance or an exception to a physical Zoning Code  
3 requirement.

4           So that's what I've heard so far. I expect there  
5 will be further discussion, but hopefully that helps you  
6 understand, what I've heard at least in, terms of the size  
7 of the projects that would still require some sort of story  
8 poles. We of course haven't gotten to the section of the  
9 discussion where what that story pole requirement might be  
10 for some of the larger, more complex projects. In any case,  
11 I think there's an understanding that signage would still  
12 be required, and so there is still the opportunity to then  
13 ask questions and understand and be part of the development  
14 project.  
15

16           COMMISSIONER BURNETT: Okay, thank you. Just a  
17 quick follow up. When do story poles go up? When the  
18 project comes before you? It doesn't have a permit yet,  
19 right?

20           JENNIFER ARMER: Correct. Generally an  
21 application comes in and it goes through review by Staff,  
22 and Staff is looking to make sure there is sufficient  
23 understanding of what the project is. Sometimes we don't  
24 have the details that are needed in the project scope in  
25 the plans, and so we're working to make sure we've got

1 those details and to understand what type of permit is  
2 required, whether it triggers architectural review, for  
3 example. Once we have gotten to a point working with the  
4 Applicant that the project is whole and is ready to move  
5 forward to public hearing or public noticing, that's when  
6 story poles go up, because otherwise as part of the Staff  
7 review there might be changes to the form of the building  
8 that would require them to modify the story poles.

9  
10 COMMISSIONER BURNETT: Thank you. That was very  
11 helpful.

12 CHAIR BARNETT: Commissioner Hanssen and then  
13 Commissioner Clark.

14 COMMISSIONER HANSSEN: I just wanted to comment  
15 back on what Commissioner Thomas brought up, which is about  
16 the Planning Commission, and I think you summarized it  
17 correctly, Ms. Armer, in terms of what I think there was  
18 sort of consensus on.

19 It's not everything that comes to Planning  
20 Commission, but if it's a Variance that involves bulk and  
21 mass, such the setbacks, the height, the FAR, if it's a  
22 fence issue, they don't have enough parking spaces, or  
23 something like that, those are not things that I would  
24 think of, so I just wanted to be clear that that's what I  
25 was thinking of when Commissioner Clark mentioned Planning



1 Commission or not, but it wouldn't include Variances that  
2 didn't pertain to the bulk and mass of the structure.

3 CHAIR BARNETT: Thank you. Commissioner Clark was  
4 next.

5 COMMISSIONER CLARK: Thank you. I appreciate you  
6 bringing that back up, because I meant we should never  
7 require them, at least for the most part or at all, for  
8 things that are not coming to Planning Commission, but I  
9 don't think we should require them for everything coming to  
10 Planning Commission. I really do think we should make an  
11 effort to not require them whenever possible. I think like  
12 what Vice Chair Raspe was saying, just when we need them we  
13 require them sort of thing, so I appreciate the  
14 clarifications on that. Then, for me, I would say that we  
15 should only require them in terms of the Historic District  
16 for homes that are in the Historic Resources Inventory, but  
17 I am open to going the other way on that.

18  
19 CHAIR BARNETT: Vice Chair Raspe.

20 VICE CHAIR RASPE: My comment was similar. I've  
21 served on the Historic Preservation Committee now for three  
22 years, so the best way to think of our historic homes, we  
23 have districts but we have many historic homes that are not  
24 in our districts. Presumptively, all are pre-1941 homes or  
25 historically designated, so I would say in our category of

1 homes that should require story poles for work as performed  
2 would include all homes on our historic inventory, whether  
3 or not in a district.

4 I think one other point we had at least working  
5 toward consensus was not requiring story poles where there  
6 was a large percentage of affordable housing in the  
7 project, perhaps 100%, maybe not requiring 100% but I think  
8 a favorable view towards that, making it more efficient and  
9 creating incentives for those projects where possible.

10  
11 CHAIR BARNETT: Very good. Other thoughts before  
12 we try a motion? Commissioner Thomas.

13 COMMISSIONER THOMAS: Since I have not served on  
14 the Historic Preservation Committee, I am curious how the  
15 story poles have been helpful for you all in your decision  
16 making, because in my opinion there are alternatives, and I  
17 don't think that these houses are on the Historic Resources  
18 Inventory. The adjustments that we're approving, I just  
19 don't know how story poles are actually valuable for houses  
20 outside historic districts but that are still historic.

21 VICE CHAIR RASPE: I'll give you an example. The  
22 Historic Preservation Committee actually met today and we  
23 had a small Mediterranean home very close to the street,  
24 and much to the developer's credit they are saving the  
25 façade of the home, but to make it a more livable home in

1 2023 they are adding an entire section to the back of the  
2 home; they're creating a second story and they're pushing  
3 about another 35', setting the structure back 21' from the  
4 façade of the home. It could potentially—and we've seen it  
5 on other projects—change the entire character of the house,  
6 the sizing and massing of it.

7           Maybe 3-D renderings solves that problem, but I  
8 don't know, because in HPC we've been using oftentimes  
9 story poles, which sends that message, so I in HPC found  
10 that a useful tool in that kind of situation. Granted, if  
11 we're adding 100 square feet in the back, that's probably  
12 not what we need to see, but where it really changes the  
13 character of the home story poles are a valuable tool for  
14 me.  
15

16           CHAIR BARNETT: Other thoughts? I assume that in  
17 the context of a Planned Development there are going to be  
18 modifications from the standard rules, and could be, say,  
19 that in Planned Developments there would be story poles, or  
20 what is Staff's recommendation on that?

21           JENNIFER ARMER: Thank you for that question.  
22 It's hard to know exactly the modifications from the  
23 standard rules that would be requested as part of a Planned  
24 Development, and I can think of a couple of examples that  
25 wouldn't meet the criteria that we're currently talking

1 about in terms of physical Variances from the rules. For  
2 example, having a smaller width to the roadway, not wanting  
3 to do a private roadway and so having a smaller width  
4 there; or having a smaller lot size so that the homes on a  
5 hillside property could be clustered in a flatter area and  
6 leave more room open for open space; that that type of  
7 project would be potentially going through a Planned  
8 Development process but the structures themselves may be  
9 actually complying with the physical floor area and height  
10 setback requirements.

11  
12 CHAIR BARNETT: So that could be a possible  
13 format for a Planned Development if there were in fact  
14 changes that related to the building structures or  
15 setbacks. What would your recommendation be in term of  
16 story poles?

17 JENNIFER ARMER: I would say that it's an item  
18 worth discussing, but it is hard to know since each Planned  
19 Development, as is the intent of that tool, is going to be  
20 custom to the particular project and setting, and the  
21 detail that the Planned Development goes into in the terms  
22 of the form of the structures really does vary  
23 significantly from one Planned Development to another. Most  
24 of the ones we've seen recently do get pretty specific  
25 about the form of the buildings, and so then at that point

1 the Architecture and Site Application really is just making  
2 sure that it complies with what was already prepared, the  
3 drawings in the Planned Development, so it's hard in that  
4 case. I would say to recommend one blanket rule for all  
5 Planned Developments, but I think they could potentially be  
6 guided in the same way as the other rules that the Planning  
7 Commission is currently discussing.

8 CHAIR BARNETT: Thank you for that answer. The  
9 Chair will now entertain a motion from a brave  
10 Commissioner. Commissioner Thomas.

11 COMMISSIONER THOMAS: I think I got it. For  
12 Section B, Types of Development Projects, I move to include  
13 the following types of projects that should be required to  
14 install story poles, and that would be for residential  
15 projects if they're the first second story in a  
16 neighborhood, or if the project is requesting a Variance of  
17 exception to physical characteristics of the structures  
18 only. Then for historic districts all now residential and  
19 nonresidential buildings in historic districts, and all  
20 residential second story additions in historic districts,  
21 and nonresidential additions exceeding 100 square feet;  
22 what we have right now, but just for historic districts.  
23 Then for the hillsides, just new buildings or second story  
24 additions in the hillsides. Then generic commercial  
25

1 everywhere else besides the historic districts. Only  
2 additions over 100 square feet for new builds asking for  
3 Variances or exceptions to physical characteristics of the  
4 structure. I think that includes everything.

5 CHAIR BARNETT: Did you comment on affordable  
6 housing?

7 COMMISSIONER THOMAS: Oh, affordable housing.  
8 Yes, some number of affordable housing, to be discussed by  
9 Town Council, should be allowed an exception, or one of the  
10 categories of exceptions, or be exempt, I guess I should  
11 say.  
12

13 CHAIR BARNETT: Then Vice Chair Raspe, you  
14 brought up the concept of a large project.

15 VICE CHAIR RASPE: Yes, commercial, and I think  
16 we used by way of example Whole Foods, so anything of the  
17 Whole Foods or larger size would require commercial project  
18 mixed-use of X number of feet to be determined by Town  
19 Council, but by form of reference to Whole Foods.

20 COMMISSIONER THOMAS: Do we think in general or  
21 only if they're asking for exceptions? I think that if  
22 they're only asking for exceptions to the physical...like to  
23 mass and height and all of that, that's really valuable,  
24 but once again, I think that the signage is what we need  
25 to... I think we need to get off the crutch of story poles

1 telling people this is going to happen and lean into the  
2 signage as this is telling people it's going to happen.

3 VICE CHAIR RASPE: My thought, and again I'm  
4 flexible, is two requirements in the commercial mixed-use  
5 area: a) where this is a Variance with respect to massing  
6 location, the physical structure; or b) all structures over  
7 X square footage, because some are of such scale that I  
8 think the netting or flagging, whatever we call it, serves  
9 a purpose of conveying the sense of scale for it.

10  
11 I use by way of example Whole Foods. I got a  
12 sense as I was driving down Los Gatos Boulevard because of  
13 the story poles. I thought that was helpful. On your run of  
14 the mill day-to-day commercial I don't think it's that  
15 helpful. For something big like that, and I don't know what  
16 the cutoff is, but I use Whole Foods by way of example. I  
17 would like to try to retain a story pole requirement for  
18 the super size buildings.

19 JENNIFER ARMER: Through the Chair, since we do  
20 have a motion on the table, she could accept modifications  
21 to her motion, or it could be a follow up motion if  
22 additions were...whether we had the majority of the  
23 Commission to add in this additional commercial.

24  
25 COMMISSIONER THOMAS: Do you know offhand the  
size of what Whole Foods was?

LOS GATOS PLANNING COMMISSION 5/24/2023  
Item #2, Modifications to Town Height  
Pole and Netting Policy

1 JOEL PAULSON: It was 40,000-50,000, somewhere in  
2 that range.

3 COMMISSIONER THOMAS: Anything 50,000 or above?

4 VICE CHAIR RASPE: (Inaudible).

5 COMMISSIONER THOMAS: Yes, just around 50,000 or  
6 above perhaps. I'm not happy about it, but I'll accept it.  
7 No, I'm just kidding. Yes, the motion is amended to include  
8 those. Thank you.

9 CHAIR BARNETT: And for consideration by the  
10 maker of the motion we talked about possible height limits.  
11 Is that something you want to include, or not?

12 COMMISSIONER THOMAS: I didn't have anything  
13 specific written down. I think that that maybe can also be  
14 in the Modified Physical Requirements section, just because  
15 that has to do, I think, with how high we can do story  
16 poles.

17 CHAIR BARNETT: Okay, very well. I'll just raise  
18 the question. Did the motion include our thoughts about not  
19 requiring story poles if it's not going to the Planning  
20 Commission level? It did include that. Okay, thank you. So  
21 now we'll look for a second. Commissioner Hanssen.

22 COMMISSIONER HANSSSEN: I can make a second, but I  
23 did have a requested modification. So I will second the  
24 motion, but I would ask the maker of the motion, the part  
25



1 that you brought up about the very first two-story house in  
2 a single-family... I also considered the scenario where it  
3 might not be the first house in the way we define it in the  
4 Residential Design Guidelines, but if there is a single-  
5 story house on either side of it and it's going up to two  
6 stories, these are the ones that cause the most  
7 consternation with the neighbors, so I would put that case  
8 in there as well. If on both sides it's got single stories  
9 and it's going up to two stories, that would be one where I  
10 would think it would be important.

11  
12 JENNIFER ARMER: Just for clarification, it  
13 sounds like right now as the motion stands as I hear it,  
14 that requirement for story poles would only apply to a new  
15 two-story home or a new second story addition when it is  
16 the first in the immediate neighborhood, and the immediate  
17 neighborhood includes two houses on either side of the  
18 proposed project plus the properties across the street,  
19 generally five properties across the street, and so what  
20 Commissioner Hanssen is suggesting is that even if you have  
21 a two-story home that's in one of those, say, two houses  
22 away, if the two houses, one on either side of the proposed  
23 house, if those are both single-story and this is kind of a  
24 taller building in between. I believe that suggesting is  
25

1 that that would also trigger, even if there were other two  
2 stories in the immediate neighborhood?

3 COMMISSIONER HANSSEN: Yes, that is what I meant.  
4 If there was a two-story across the street and on either  
5 side there are single-stories, yes, that's when I would  
6 want the story poles.

7 JENNIFER ARMER: So, to the maker of the motion?

8 COMMISSIONER THOMAS: If that's the will of the  
9 Commission, then yes. Again, not what I originally planned,  
10 but happy to change the motion to include that.  
11

12 CHAIR BARNETT: So we have a motion and a second.  
13 Discussion? Commissioner Clark.

14 COMMISSIONER CLARK: I have two questions. One is  
15 I feel like sometimes we have a home come to Planning  
16 Commission and it's not the first two-story home in the  
17 immediate neighborhood, but maybe it's like the second in  
18 the immediate neighborhood and one of the few in a  
19 predominantly single-story neighborhood, is that the case  
20 and if so should we consider that in our motion?

21 COMMISSIONER THOMAS: (Inaudible).

22 COMMISSIONER CLARK: For the one where it's the  
23 first two-story in the immediate neighborhood, but  
24 sometimes it would be the second two-story in the immediate  
25

1 neighborhood but would come to Planning Commission because  
2 of its bulk.

3 JENNIFER ARMER: Thank you for that question.  
4 Yes, there have been some examples. For example, if it's  
5 the largest house in the immediate neighborhood by floor  
6 area or floor area ratio, then that is sometimes something  
7 that will trigger review by the Planning Commission. Not  
8 necessarily a recommendation for denial from Staff, but a  
9 higher level of review.

10  
11 At this time with the motion as it stands those  
12 wouldn't necessarily be triggering story poles, but they  
13 might still be coming to Planning Commission, depending on  
14 the adjacency, whether there are two-story homes adjacent.

15 CHAIR BARNETT: So I'll come back to Commissioner  
16 Thomas on that.

17 COMMISSIONER THOMAS: I think that if they were  
18 requesting a Variance of an exception to something related  
19 to height or setbacks or whatnot, then it would require  
20 story poles. From my understanding I think that that's a  
21 good compromise, just because of the situation to become  
22 too specific, but do you want me to amend the motion?

23 COMMISSIONER CLARK: I wanted to at least flag  
24 it, because it is changing what generally triggers us to  
25 consider those things for review by the Planning

1 Commission, and so it felt like if that's our concern is it  
2 being like the bulkiest in the neighborhood, but then we  
3 define it differently than we would normally if we might be  
4 voting on it, so I'm open. I just wanted to bring that up.

5 CHAIR BARNETT: Commissioner Burnett, and then  
6 we'll get back to the maker of the motion.

7 COMMISSIONER BURNETT: Thank you. Considering the  
8 motion, it's gotten a little involved now, so I want to be  
9 sure, would your motion cover what Vice Chair Raspe talked  
10 about, a pre-1941 home would require the story poles, even  
11 if it was not in a historic district?  
12

13 COMMISSIONER THOMAS: I don't know if that was  
14 explicitly mentioned, but yes, that was my intent.

15 JENNIFER ARMER: It could be stated as homes that  
16 are part of the historic inventory. That does include all  
17 homes within the historic districts as well.

18 COMMISSIONER THOMAS: Okay, so homes within the  
19 historic inventory that are the new builds, new residential  
20 and nonresidential buildings, or residential second-story  
21 additions.

22 CHAIR BARNETT: Commissioner Clark, if you would.

23 COMMISSIONER CLARK: I have a question for Staff.  
24 Do you know roughly how much of our town is historic  
25 districts?

1 JENNIFER ARMER: Unfortunately, I don't have that  
2 number off the top of my head.

3 COMMISSIONER CLARK: I think my concern is I  
4 think for me I would probably be opposed to requiring story  
5 poles in all historic districts, and for me it would also  
6 depend on how much of town it is, but that could end up  
7 being like a lot of town, I might think.

8 JENNIFER ARMER: The clarification that I can  
9 provide is that the historic districts really are downtown  
10 at this time. There is the potential that others could be  
11 added in the future. The part that would extend beyond the  
12 downtown area are these houses that were built before 1941  
13 that when it is listed as a pre-1941 build date, then we  
14 presume it to be historic until it has gone to the Historic  
15 Preservation Committee and requested and received  
16 permission to remove it from that, in which case it would  
17 no longer have these requirements, but at this time  
18 anything that is triggering that review by the HPC would be  
19 falling under this requirement as well, as currently  
20 stated.  
21

22 CHAIR BARNETT: Commissioner Burnett.

23 COMMISSIONER BURNETT: I would hope we would  
24 retain that and not the change the motion on that subject.  
25

I think it's very important to keep our pre-1941 homes

1 intact as much as possible and I think story poles help  
2 actually the designer, the builder, and the homeowner to  
3 help design to keep the home as it started out, like the  
4 home we had today. It was a very good project and it was  
5 very helpful, so I think it's very important and I would  
6 encourage the maker of the motion to retain that.

7 CHAIR BARNETT: Thank you for that comment. I  
8 have one question. Did we talk about a project where  
9 there's no visibility from the public right-of-way, to  
10 exclude the requirement of story poles under those  
11 circumstances?

12  
13 COMMISSIONER THOMAS: I did not, but I assumed  
14 that most of those projects were a lot of times in the  
15 hillsides, but then we can see them from view corridors. I  
16 do think that if they can't be viewed from a view corridor,  
17 and they cannot be viewed from a public right-of-way in any  
18 way, shape, or form, then I think that should be included  
19 in the excluded or exempt category, so I would amend my  
20 motion to include that, because it seems unnecessary.

21 CHAIR BARNETT: Thank you for that. Is there a  
22 second?

23  
24 COMMISSIONER HANSEN: I guess I have an issue to  
25 bring up then. We saw at the Conceptual Development  
Advisory Committee, the first meeting this year, the

1 concept for a very large development in Surrey Farms, and  
2 that would be 22-23 homes including ADUs, and you can't see  
3 that from the viewing platforms, but everyone in that  
4 neighborhood would be able to it, so I wouldn't want them  
5 not to have to do story poles. I was hesitating about  
6 taking out if you can't see it from public viewing  
7 platforms, because there are quite a few developments where  
8 you wouldn't want that to happen without the neighbors  
9 being able to see it.

10  
11 COMMISSIONER THOMAS: I totally agree and I know  
12 exactly where that lot is, and it is viewable not from our  
13 specific view corridors, but it is viewable from all of  
14 Longmeadow Drive, and so I understand. My intent was that  
15 this was truly a project that couldn't be viewed from any  
16 street, but I don't even know if that is legally too  
17 complicated to write in. Yes, probably.

18 ATTORNEY WHELAN: It sounds like you answered  
19 your own question, but it's not too complicated to write it  
20 in if the Commission wants to exclude properties that  
21 aren't viewable from view corridors or public right-of-way,  
22 but it sounds like there's a debate happening.

23 COMMISSIONER THOMAS: So any public right-of-way  
24 would include Longmeadow, so this wouldn't not be included  
25 as exempt?

1                   JENNIFER ARMER: One question of clarification.  
2 What about private roadways? We have a number of private  
3 roadways which are done by easement rather than public  
4 right-of-way, especially in the hillsides, so just to fully  
5 understand and discuss the implications of that. It can be  
6 written in there, but you may have cases where something is  
7 visible from a private street to the people who drive up  
8 and down that private street, but it would not qualify for  
9 this requirement of story poles because of the way you're  
10 currently phrasing it.

11  
12                   COMMISSIONER THOMAS: So the way that I'm  
13 currently phrasing it, I think that for me that would be  
14 okay, because that seems like a huge burden to put  
15 financially on a builder/developer for one or possibly a  
16 couple of private property owners to be able see the story  
17 poles versus like we do know that there are alternatives of  
18 the renderings, etc., so I am comfortable with that, but  
19 thank you for bringing that up.

20                   CHAIR BARNETT: Other comments on the motion?  
21 Vice Chair Raspe.

22                   VICE CHAIR RASPE: Just on this last issue, my  
23 whole concern is it seems to me that the types of homes  
24 we're talking about here are the ones most likely to be in  
25 hillsides, and those I think are among the categories when



1 we first started discussion that would be most benefited by  
2 story poles, and viewing corridors change over time. My  
3 sense is that by introducing an element of not visible from  
4 viewing corridors we're introducing maybe an element that's  
5 creating too much ambiguity. A thought.

6           COMMISSIONER THOMAS: I agree, but I also  
7 included public right-of-ways, so I feel like there would  
8 be very few lots of properties that would qualify with all  
9 of that, but I don't know, because I don't know that much  
10 about the extent of the mountainsides and everything, so  
11 I'm happy to get rid of it if we feel like it's too  
12 complicated, or now the Town Council knows we mentioned  
13 this if they want to deal with it, that's fine with me, so  
14 yes.  
15

16           I also do just want to state that I am on the  
17 same page with Commissioner Clark. I don't feel we need  
18 story poles for everything in all of the historic  
19 districts. I'm happy to keep it for the historic inventory  
20 list, and I understand that would cover all of the historic  
21 districts anyway, so then I guess it doesn't really matter  
22 if you guys feel strongly about it.  
23

24           CHAIR BARNETT: So we have a motion and we have a  
25 second. Any further discussion? If not, I'll ask the

1 Commissioners to raise their hand in approval, and we have  
2 a unanimous vote on that. Thank you.

3           ATTORNEY WHELAN: So did the motion delete the  
4 requirement for the proposal that properties be exempt if  
5 they're not visible from right-of-way or viewing corridors?

6           CHAIR BARNETT: That was removed, yes.

7           COMMISSIONER THOMAS: No, I included it.

8           VICE CHAIR RASPE: It's included.

9           COMMISSIONER THOMAS: Because the seconder didn't  
10 ask, but yes, but the Town Council knows that we weren't  
11 sure, so there you go.

12           VICE CHAIR RASPE: It was included, yes.

13           ATTORNEY WHELAN: And everybody who voted knew  
14 that? Okay, thank you.

15           CHAIR BARNETT: Let's see, our time is 9:30. We  
16 could take a break now if Commissioners are desirous of  
17 doing that; otherwise we can plow ahead.

18           VICE CHAIR RASPE: I think the remaining topics  
19 are quick, hopefully.

20           CHAIR BARNETT: So we've got Sections C and D  
21 left. We'll move on to C at the bottom of page 15, and this  
22 addresses the concept of what kind of netting or  
23 alternatives we should consider. Current policy requires  
24 all building corners and heights to be demonstrated by the  
25

1 flagging system, and that would include towers, spires,  
2 elevators and mechanical (inaudible), cupolas, mechanical  
3 equipment, screening and similar elements not used for  
4 human activity or storage which are visible from the  
5 streetscape. See I'll open discussion on that item and see  
6 if there are any comments. Commissioner Clark.

7           COMMISSIONER CLARK: I have two changes I'd like  
8 to see. I don't think we should require internal story  
9 poles. I think that adds a huge cost burden.

10           Something I want to note looking at the North  
11 Forty. Those units are expensive and we know that it took  
12 almost \$1 million to put in all those story poles, and that  
13 cost gets passed down to the homeowner or tenant, it's not  
14 absorbed by the developer, so I think it's important to  
15 look at where we can lower the costs; I think that's a good  
16 way.

17           Then I also think we should make modifications  
18 for things like only front façade and tallest ridge rather  
19 than every architectural detail.

20           CHAIR BARNETT: Thank you for those comments.  
21 Other comments? Commissioner Thomas.

22           COMMISSIONER THOMAS: I support Commissioner  
23 Clark's comments; I am in agreement with that.

1 I also must say that I understand comments about  
2 the orange netting, but I also don't know if there's a  
3 real... I'm happy with flags or something else that could be  
4 used that's easy to get access to, that's inexpensive, but  
5 when I was thinking and looking at the other jurisdictions  
6 it's not like there's another alternative besides the  
7 orange netting that does a much better job of representing  
8 what the final product is going to look like, which I feel  
9 like was a big comment that we got from the architects, so  
10 I don't know if there's a way that we can really adjust  
11 that, because I don't think there's really a product out  
12 there that's less expensive, less wasteful, and that's more  
13 available, according to my very little research.

15 But I do agree that the outside of the building  
16 and the height is the most important part, and I do think  
17 that if we're talking about from the perspective of this  
18 also is a signal to the community that this project is  
19 happening, it doesn't matter if there are four poles or ten  
20 poles, the four poles are going to do it for people, so  
21 that's my opinion.

22 CHAIR BARNETT: Vice Chair Raspe.

23 VICE CHAIR RASPE: Thanks. I'm generally in  
24 accordance with both Commissioners' prior comments. I think  
25 a representation of the general outline of the structure

1 without going into its internal spaces, representing its  
2 high points specifically.

3 I think there was a comment about it only  
4 representing the front façade. I think we need more than  
5 the front façade; I think we need a general footprint of  
6 the space.

7 With respect to the orange netting, I find it  
8 generally non-problematic. I understand orange is a  
9 shocking color, but I think at some point we want the  
10 public to see it, and I think it's better than the  
11 alternatives. My only caveat would be if we are in high  
12 wind areas or extraordinarily high areas, then I think the  
13 netting becomes more of a problem, and so maybe in those  
14 situations we would go to flags instead of netting. Aside  
15 from that, a system that just gives us the outline with  
16 peaks using orange netting I think is a reasonable  
17 solution.  
18

19 CHAIR BARNETT: Thank you for that. Commissioner  
20 Hanssen.

21 COMMISSIONER HANSSEN: When I was looking at this  
22 I thought of a couple of things. Maybe I'm not seeing the  
23 whole picture, but the Story Pole Policy is all outside  
24 building corners and along the rooflines, and presuming  
25 that the rooflines are going to be higher than the outside

1 corners unless it has a flat roof, so I'm not sure why  
2 that's so onerous.

3           Then as far as the architectural elements, when I  
4 first went through Leadership Los Gatos I remember we had a  
5 section on land use, and one of the things that came up  
6 from the assistant town manager or town manager at the time  
7 was something along the lines of the dome building—you guys  
8 know what I'm talking about and where it is—and I don't  
9 know if that had story poles representing the dome part  
10 that is not used for anything but it basically is covering  
11 up a big part of the hillsides as you're driving down Los  
12 Gatos Boulevard. I wouldn't want that not to be story  
13 poled, so when I was reading this I thought of that.

14           I don't want it to be too onerous, but if we're  
15 taking it away from enough different properties I don't see  
16 that it's too much to ask to show us the things that are  
17 really going to stick out, so maybe there's a better way to  
18 say it than to take away all these things. I don't have a  
19 better way to say it than that, but I wouldn't want to take  
20 that away from the story pole requirement so that people  
21 wouldn't really see what's going to be built.

22           CHAIR BARNETT: Okay, thank you. We might  
23 consider that as part of a discretionary decision by the  
24  
25

1 Town. Just throwing that out as an idea, maybe something we  
2 can look at later. Other comments? Commissioner Clark.

3 COMMISSIONER CLARK: I just have a quick  
4 question. Is the netting significantly more expensive than  
5 flags?

6 JENNIFER ARMER: I'm not sure. I think there was  
7 a comment to that effect, but I'm not sure what the  
8 difference in the cost is between the two materials.

9 JOEL PAULSON: Through the Chair, I'd just add I  
10 think some of the other comments were that you can span a  
11 greater distance with the flags than you can with the  
12 orange netting without any issues, so that's less poles you  
13 technically have to put up, which probably makes it cheaper  
14 overall.

15 COMMISSIONER CLARK: I personally would be in  
16 favor of looking into flags instead of netting.

17 CHAIR BARNETT: Other thoughts on Section C?  
18 Commissioner Thomas.

19 COMMISSIONER THOMAS: I agree that I think that  
20 the poles and something strung across signals that a  
21 project is happening, and so I agree that with having an  
22 option besides the netting, flags I guess was the other  
23 suggestion. I guess rope was also included as an example; I  
24 think that that would need to be a pretty bright color. I  
25

1 don't know how rope would be better than flags, but I do  
2 think that maybe that could be included in the modify  
3 exception process and we could maybe try to streamline that  
4 area, so I am happy to leave this here and then discuss it  
5 more in the Modify Exception Process section in E, but I  
6 did want to ask the Town Attorney if that is where we  
7 should... In this section I guess we're not actually  
8 requiring any policy, but would it be necessary to mention  
9 that alternatives can up to the discretion of the Community  
10 Development Director, etc.? Would that be necessary to be  
11 included right after the comments about what is allowed, or  
12 is it just in a completely different section of the policy?

14 ATTORNEY WHELAN: I don't know what section it  
15 would be best in, but I do think it would be a good idea to  
16 specify the criteria under which an exception would be  
17 allowed so that it gets applied evenhandedly and so you  
18 could recommend to the Town Council that the ultimate  
19 policy allow exceptions to the netting under the following  
20 circumstances.

21 JENNIFER ARMER: And that could be part of your  
22 discussion of Section C of your Staff Report or Section D,  
23 either of those. We will take the recommendations from  
24 Planning Commission and work them into a revised Story Pole  
25 Policy as appropriate.



1 CHAIR BARNETT: All right, Commissioner Hanssen.

2 COMMISSIONER HANSSEN: I just wanted to ask the  
3 question, pursuant to what was brought up earlier in  
4 Section B, Building Height, the 70' high building. I'm  
5 looking at the exception process and it says the current  
6 exception process for alternatives, including the orange  
7 snow fencing and replacement of poles, and I would think  
8 the height thing would require an exception from Town  
9 Council. I'm trying to think of ways to get around that and  
10 to put it more with the Community Development Director. I  
11 don't know where this height thing would fall, but I think  
12 as long as there's a way to represent the building  
13 physically that's similar to the story poles that it would  
14 be fine to leave that to the discretion of the Community  
15 Development Director.  
16

17 JENNIFER ARMER: Thank you for that question. I  
18 would say that you could place that as an exception or you  
19 could just build it in to say this is the material that  
20 is...the netting is required for all buildings unless they  
21 exceed a height of 35', in which case an alternative  
22 material of this flag rope—I don't think it is just rope, I  
23 think it is flag rope; it's the rope that has the flags on  
24 it—that that is the alternative material that could be  
25 allowed when a building exceeds 35', for example.

1 COMMISSIONER HANSSEN: That sounds reasonable to  
2 me.

3 JENNIFER ARMER: So then it's not an exception  
4 process, it's just built in.

5 COMMISSIONER HANSSEN: Right, because I do want  
6 to honor what the Town Council asked us to do. They have  
7 other things to focus on, not that.

8 CHAIR BARNETT: Other questions or comments? I  
9 believe one of the examples we saw talked about netting  
10 that designated the plate heights in different colors, and  
11 that seemed interesting to me. We talked about possible  
12 markers on the poles themselves to designate distances,  
13 perhaps at 10' intervals or something like that, but I  
14 think actually somehow demonstrating where the plate lines  
15 is would be helpful to envision the future building. Just a  
16 thought to throw out. Commissioner Hanssen.

17 COMMISSIONER HANSSEN: I would also note that Mr.  
18 Fagot also mentioned about the flags at the top where you  
19 have the netting, but then at the very highest point there  
20 are flags at the top, if I got that correctly, that would  
21 be worth considering.

22 CHAIR BARNETT: Thank you for remembering that.  
23 Commissioner Clark.

24  
25

1                   COMMISSIONER CLARK: I wanted to ask, one of the  
2 architects during public comment talked about only 30 being  
3 required but we use 44 for the level of orange or  
4 something. Do you know what that means?

5                   JENNIFER ARMER: Thank you for that question.  
6 They were talking about the brightness of colors on the  
7 building that are allowed in the hillsides, and so when  
8 we're talking about a new hillside home, it's limited, it  
9 can't be a bright color, and then they were saying that the  
10 flags or the netting is very bright and therefore does not  
11 comply with the Hillside Development Standards and  
12 Guidelines for new homes.

13                   COMMISSIONER CLARK: Okay, got it. Thank you.

14                   CHAIR BARNETT: Other comments or a possible  
15 motion?  
16

17                   COMMISSIONER THOMAS: I can do both again.

18                   CHAIR BARNETT: Thank you.

19                   COMMISSIONER THOMAS: My comment is actually  
20 related to the flag at the top. I guess that's not as  
21 difficult, but adding more requirements to the story poles  
22 feels like it is only going to increase this reliance on  
23 story poles, and I feel like at the end of the day the goal  
24 needs to be to get information to people to authentically  
25 engage in a better, more meaningful, and constructive way

1 and I don't know if adding more information to story poles  
2 is going to do that.

3 I think that we need to encourage and require  
4 outreach and information sharing in a different platform,  
5 so I agree that it would be really helpful for me as a  
6 planning commissioner to be able to see the plate heights  
7 and everything in real life, I would really appreciate that  
8 and have the poles be marked, but I feel like it would  
9 create further reliance on this process that is clearly a  
10 burden to part of our community, and so that is just my  
11 only fear and hesitation for adding specific requirements.  
12

13 That being said, I am happy to make a motion if  
14 you want me to anyway.

15 CHAIR BARNETT: Please do.

16 COMMISSIONER THOMAS: So for Section C, Modify  
17 Physical Requirements, should the current requirements be  
18 modified? We say yes, the modification should be that above  
19 35' alternatives to netting can be approved, such as flag  
20 rope, and I think that that's pretty much it.

21 CHAIR BARNETT: Commissioner Clark.

22 COMMISSIONER CLARK: And then also we had  
23 discussed something more toward just displaying the general  
24 footprint of the building versus every architectural  
25

1 detail, so like something in that direction, and also no  
2 internal story poles.

3 JENNIFER ARMER: Through the Chair, may I ask for  
4 clarification on that?

5 CHAIR BARNETT: Please.

6 JENNIFER ARMER: We don't currently require story  
7 poles in the middle of a building unless it's supporting a  
8 tall ridge, so was that intended to address situations  
9 where there are multiple buildings?  
10

11 COMMISSIONER CLARK: Yes, so for like the North  
12 Forty, all the ones that weren't even visible unless you  
13 got a private invitation.

14 JOEL PAULSON: Through the Chair, that's actually  
15 in Section D, so if we get to D then we can handle that  
16 there. I think the Commission has been having a lot of good  
17 discussion, but once we get a motion on the table we really  
18 should get a second, and then we can start talking about  
19 potential amendments; it might be a little cleaner that way  
20 for us to unravel when we watch the video.

21 CHAIR BARNETT: Okay, so we have a motion. We  
22 don't have a second.

23 COMMISSIONER HANSEN: I'll second the motion.  
24

25

1 CHAIR BARNETT: Commissioner Hanssen, thank you.  
2 Any discussion on the motion? If not, I'll ask for a raise  
3 of hands of those in support, and it's unanimous.

4 JENNIFER ARMER: Through the Chair, I just want  
5 to clarify, the motion was the flags would be allowed over  
6 35'? Okay, thank you.

7 CHAIR BARNETT: We've made our way to Section D  
8 on page 16. This addresses alternatives to the Story Pole  
9 Policy, including more clarity and predictability and  
10 potentially reducing the exception request, which as I  
11 understand has been a burden to both the Applicant and  
12 perhaps to the Town, and to consider these options for  
13 perhaps eliminating or limiting the story pole  
14 requirements, and that is to use flag ropes, renderings and  
15 digital simulations, signage, and reduced number of poles  
16 for multi-building projects. I think the rest of it has  
17 been reviewed and understood, so I'll open the discussion  
18 on Section D. Commissioner Clark.

19 COMMISSIONER CLARK: I have a couple of things.  
20 One thing I think that we should discuss is some people had  
21 a problem with having to rent story poles for a really long  
22 time, so maybe we should consider—and I don't know if this  
23 is where we would do it or if we'd want to do it in another  
24 spot—adding a time limit or something so that they're not  
25

1 having to rent story poles for months on end and the cost  
2 keeps accumulating.

3           Also I wanted to bring up the option of in order  
4 to officially notify the neighbors if we're not doing story  
5 poles something the Town could do is send a mailer to the  
6 ten immediate neighbors or something, and I just wanted to  
7 throw that idea out there, but those were my first couple  
8 of thoughts.

9           CHAIR BARNETT: Thank you. Vice Chair Raspe.

10           VICE CHAIR RASPE: Thank you, Chair. On  
11 Commissioner Clark's point with respect to notifying  
12 neighbors, I'd like to see perhaps a system whereby the  
13 proposed development has a sign in the front and could have  
14 a rendering on that sign, and maybe even I think  
15 Commissioner Thomas indicated in her notes before, a QR  
16 code which immediately could provide the viewer access to  
17 3-D renderings to the extent those were created.

18           And then, again, with respect to items in here in  
19 Section D, it also has reducing number of poles for multi-  
20 building projects. I think this is where we would include  
21 our opinion that in multi-building projects such as the  
22 North Forty there wouldn't be a requirement to include  
23 internal poles, but rather we would look for story poles,  
24 around the perimeter of the project. Those are my thoughts.  
25

1 CHAIR BARNETT: One question I had on the net  
2 concept is what if there are higher buildings on the  
3 interior than at the four corners? Maybe something worth  
4 considering. Other thoughts? Commissioner Hanssen.

5 COMMISSIONER HANSSEN: I have a question for  
6 Staff. We require signage and renderings under what  
7 circumstance? Because we did hear from the architects that  
8 they are always doing at least the renderings anyway. What  
9 do we require now, story poles or not?  
10

11 JENNIFER ARMER: Correct. In the Story Pole  
12 Policy it does actually include specifics about what needs  
13 to be on the signage, and it does require the front  
14 elevation on the proposed building. When we get into  
15 something that's more complex than just a single-family  
16 home, then a rendering is required.

17 COMMISSIONER HANSSEN: My thought was since  
18 they're already doing that it's easy to do that, and since  
19 we're taking away story poles from a lot of developments  
20 that we should continue to, even if they don't have to put  
21 up story poles, that they should do renderings and digital  
22 simulations and signage, and if they are doing story poles  
23 they should do it as well, but the people that aren't  
24 having to do story poles should also do it. I don't know  
25



1 how you'd do that when it's not in the Story Pole Policy,  
2 but you see where I'm going with this?

3 JENNIFER ARMER: The Story Pole Policy does  
4 include signage requirements, and so it could require for  
5 those projects that don't trigger story poles that signage  
6 would still be required. I think it's possible for us to  
7 work that in in terms of this larger story poles, netting,  
8 and signage policy if that is the desire of the Planning  
9 Commission.

10  
11 COMMISSIONER HANSSEN: It was just my suggestion,  
12 because I think that would be an easy way to create  
13 visibility and it would help take us on the path of weaning  
14 people off of the need for story poles, and if that was the  
15 only thing they had to look, at and we could get some  
16 experience with it as well.

17 CHAIR BARNETT: Any thoughts? Commissioner  
18 Thomas.

19 COMMISSIONER THOMAS: I agree, and if we're  
20 discussing our Height Pole and Netting Policy—but really I  
21 feel like it needs to be renamed to Story pole and Netting  
22 and Signage or whatever—I think that signage is a really  
23 important part of this moving forward and hopefully can  
24 just be more useful with the access to technology that we  
25 have.

1 I did have a question. I know that this wasn't  
2 necessarily in the topics of discussion, but it came up  
3 multiple times in all the policies that we looked at and  
4 it's with regard to timing, and I think that that's where  
5 we've been coming with a lot of the story pole stuff. I  
6 think that because we can post signage and link  
7 information, but the linked digital information can be  
8 updated, is it possible for us to require signage to be  
9 posted earlier in the process than right now, which is they  
10 go up with story poles? That's my first question.

12 My second question is related to our timing with  
13 the public notices. It says in our current policy that it  
14 should be the height poles and netting have been installed..  
15 It was something about it has to be before the public  
16 comment period or something. Either way, other  
17 jurisdictions have specifics like a 7-day or a 10-day or a  
18 14-day, so is there a recommendation that we should put  
19 something more specific than just like sometime before?

20 JENNIFER ARMER: At this time the signage meets  
21 the same rules as our 10-day noticing for these projects,  
22 and so we require that the story poles be up, certified,  
23 and photographed, and the signage be installed prior to the  
24 beginning of the 10-day notice when we send notice cards.

25 In general, notice cards are sent to any property within

1 300 feet, unless we're talking about a Minor Residential  
2 Development Application where it's a smaller radius, or the  
3 hillsides, in which case it's actually a 500-foot radius.  
4 And those notice cards do include the web link to find more  
5 information about the project online so that they can see  
6 any drawings, renderings, or project descriptions  
7 available.

8           COMMISSIONER THOMAS: Okay, thank you. With that  
9 being said, I think that we should mention the ten days in  
10 here, unless that causes confusions because the notice  
11 period could change and then we'd also have to amend this  
12 policy.  
13

14           Right now the requirements on the sign are the  
15 address and the phone number of the Planning Department.  
16 Not that people shouldn't physically come down; that's  
17 great if people want to physically come down and look at  
18 things in person, but I also think information about who to  
19 email is probably also helpful, and then also making sure  
20 that there are requirements about website links and QR  
21 codes and things like that, because I do think that that is  
22 the most helpful way to gain access to digital information  
23 right away.  
24

25           I still do think that putting the signs up  
earlier would be helpful for everyone involved, even if the

1 renderings end up changing, and I would be in favor of also  
2 making these signs more of a template format in some way,  
3 shape, or form that really does give visual notice to the  
4 community. A lot of the signage is developed by architects  
5 or people that work with architects, and they're really  
6 beautiful and nice to look at, not that that's problematic,  
7 but if we're trying to get signage to replace the indicator  
8 of a story pole, maybe it does need to be outlined in  
9 orange, or the title needs to be in all the same exact font  
10 and same exact size, and then there's the area where they  
11 add the additional information. I'm not exactly sure what  
12 that would look like, but I do think something that's more  
13 visually striking would be really helpful during this  
14 transition period away from the story poles.

16 CHAIR BARNETT: Thank you for those comments.  
17 Other thoughts? Vice Chair Raspe.

18 VICE CHAIR RASPE: Thanks. First of all, I join  
19 in all the comments by Commissioner Thomas.

20 I have one question for Staff. How long do the  
21 story poles have to remain up? We've heard horror stories  
22 about how they were up for six months and it cost \$1  
23 million. Is there a requirement of X days?

24 JENNIFER ARMER: Thank you for the question. The  
25 requirement is based on completion of the public hearing

1 process. They must be installed prior to the public notice  
2 going out, so that's ten days in advance of the first  
3 public hearing, and then it must remain up until the end of  
4 any appeal period. The examples that were given were ones  
5 where there were multiple Planning Commission meetings,  
6 continuances, and then an appeal to Town Council,  
7 continuances there, and so that is how it ended up becoming  
8 that length of a period.

9  
10 VICE CHAIR RASPE: So maybe one of the things we  
11 might want to consider is putting a cap on so that that  
12 burden doesn't become too onerous for our developers. I  
13 don't know if it's 30 days, 60 days, but it seems to me six  
14 months of carrying costs can be extraordinary, so if we  
15 want to consider that as well.

16 CHAIR BARNETT: Thank you. Other thoughts?  
17 Commissioner Clark.

18 COMMISSIONER CLARK: Thank you. I like the idea  
19 of adding a cap. I think that in a perfect world it would  
20 be up until it's gone all the way through, but if the goal  
21 is to get the public's attention, after 30 days they should  
22 know that it's there, and maybe we do a really good job  
23 updating the signage to make it clear the story poles are  
24 down but this project is still being considered or  
25

1 something, but I would say 30-day cap, because I don't know  
2 what 60 days would get you compared to that.

3 CHAIR BARNETT: Is it correct that the Staff  
4 materials online include photographs of the story poles?

5 JENNIFER ARMER: We do require that photographs  
6 of the story poles be provided, and if we were considering  
7 a shorter period of time for the story poles I think that  
8 would become standard practice that we would provide the  
9 photos online.

10 One element to consider is if a project then gets  
11 appealed to another deciding body and the story poles are  
12 no longer up, then they would be relying on the photos and  
13 any renderings that were provided.

14 CHAIR BARNETT: Thank you. Commissioner Hanssen.

15 COMMISSIONER HANSEN: I had a question. In  
16 general I am okay with the idea of exempting parts of the  
17 buildings that are not visible from the public right-of-  
18 way, but just taking the example of the North Forty, if you  
19 go by the outside of it most everything is at a 35' height  
20 limit, however, the Market Hall with the two layers of  
21 affordable housing is at least 10', if not 15', more. Is it  
22 more than 45'?

23 JOEL PAULSON: Yes.

1                   COMMISSIONER HANSSEN: I think one of the things  
2 they got for the density bonus is more height there. I just  
3 would want to make sure, because we will see other projects  
4 like this with the new Housing Element, that they would  
5 still have to story pole at least the highest thing in  
6 there, even if they don't have to story pole every  
7 building. Does that make sense? I put that out there that  
8 way, and hopefully it's good. Other than that, I don't  
9 think they have to story pole every building.  
10

11                   CHAIR BARNETT: Okay, thank you. I'll interject a  
12 comment. The current policy, which is on page 75, includes  
13 as alternatives digital imagery, simulation, and computer  
14 modeling, and I was struck by the detail in the Santa  
15 Barbara requirements that went into this in considerable  
16 detail, particularly on pages 41 and 42 relating to photo-  
17 simulations, perspective drawings, 3-dimensional modeling,  
18 and aerial views, and my thought would be to commend those  
19 to the Town Council for possible consideration as specific  
20 requirements if we go away from story poles.  
21

22                   If we don't have other comments, I guess we're  
23 looking for a motion at this time. Commissioner Clark.

24                   COMMISSIONER CLARK: I can try. I move under  
25 Section D, Providing Alternatives, to have a reduced number  
of poles for multi-building projects, so that only the

1 outer buildings need to be story poled, as well as the  
2 tallest building if not one of the outside ones. That there  
3 be a QR code and email address included on the signage, and  
4 that there be a time limit with cap of 30 days for story  
5 poles to be up. For projects that don't trigger story poles  
6 for signage to be required. To consider having signage up  
7 earlier than the story poles. And to maybe standardize  
8 signage to ensure it is visually striking or catches  
9 attention.

10  
11 CHAIR BARNETT: Thank you. That's your motion,  
12 and I'll look for a second. Commissioner Thomas.

13 COMMISSIONER THOMAS: I second that, and then I  
14 did just want to clarify for the 30 days. Should it be 30  
15 days after the notice, or 30 days total?

16 COMMISSIONER CLARK: I like 30 days after the  
17 initial public hearing I think is a good idea.

18 COMMISSIONER THOMAS: So that typically would be  
19 like 40 days, the minimum, right? Okay.

20 CHAIR BARNETT: Any thoughts about other  
21 inclusions into the possible motion or discussion about it?  
22 Commissioner Hanssen.

23 COMMISSIONER HANSEN: I meant to ask this  
24 earlier. It was in the comments of the Staff Report. Do we  
25 need to consider adding or mentioning anything? Towards the



1 end it says, "Relocation of poles when located close to  
2 property lines to reduce guide wire conflicts and  
3 attachment of guide wires to existing trees, fencing, and  
4 equipment." We didn't discuss that in the motion. What does  
5 the policy say right now on that point?

6 JENNIFER ARMER: Our policy does not currently  
7 have any exception for those situations, except going  
8 through the standard exception process to Town Council.  
9

10 JOEL PAULSON: Through the Chair, one option  
11 might be to have Section D have two separate motions,  
12 because these really are pretty separate topics. Like  
13 moving forward with what you have, and then see what kind  
14 of comments we have on the second portion.

15 COMMISSIONER HANSSEN: Fair enough, but since it  
16 was under Section D I wanted to make sure that we didn't  
17 skip it.

18 CHAIR BARNETT: So we have the motion, we have  
19 the second, and we've had discussion. Anything further? If  
20 not, I'll call for a raise of hands for those who are in  
21 favor of the motion, and again it's unanimous. Thank you  
22 very much.

23 Commissioner Hanssen, do you want to formulate a  
24 motion on your thoughts?  
25

1                   COMMISSIONER HANSSEN: Let me ask a question  
2 first. Is it reasonable if we gave a more automatic  
3 exception for people that need to relocate poles that are  
4 close to property lines? What would be the consequence of  
5 letting them relocate the poles, and how much does that  
6 happen? I just want to understand how that works.

7                   JENNIFER ARMER: Since this isn't an exception  
8 that we've seen frequently, it's a case where I think  
9 they've just found a way to make it work, but it could be  
10 phrased as an exception. It could be considered either  
11 automatically that within a certain distance of a property  
12 line that the poles could be set in. We could include some  
13 language that there needs to be some note about that on the  
14 signage to specify that it's not representing the full  
15 width of the building. This is me just kind of  
16 brainstorming some ideas as to how you would address that.

17                   Alternatively, you could consider this as another  
18 exception process, so as the Town Attorney had suggested we  
19 would want to have some specific guidelines to guide Staff  
20 through that type of exception process and when to grant  
21 it.  
22

23                   COMMISSIONER HANSSEN: Given what you just said,  
24 I would just say that it's not a big issue, so I would  
25 leave it to the discretion of the Community Development

1 Director whether that was okay or not. It doesn't sound  
2 like it's going to be a big problem, and I wouldn't want  
3 them to have to go to Town Council for that.

4           Also, the attachment of guide wires to existing  
5 trees, fences, and equipment, I do maybe have an issue  
6 about trees, because we have so many protected trees, but  
7 the fences and equipment, as long as it's not going to  
8 damage them, I again wouldn't want to send people with an  
9 unnecessary exception, because we want them to get the  
10 story poles up, so if they can't do it another way then  
11 they should have that kind of alternative.  
12

13           So that would be a motion I would make to say  
14 that we can allow the relocation of poles located close to  
15 property lines to reduce guide wire conflicts without  
16 getting an exception, and the same with attaching to other  
17 devices other than the poles they're putting up, but not  
18 trees. So that's my motion.

19           CHAIR BARNETT: Thank you for the motion. Do we  
20 have a second? Commissioner Clark.

21           COMMISSIONER CLARK: I second.

22           CHAIR BARNETT: And discussion? Seeing none, I  
23 call for the raise of hands in favor. Also unanimous. Thank  
24 you.  
25

1           Now we're going to move on to Section E, Modify  
2 Exception Process. This relates to who is going to be the  
3 decision maker on certain exception requests, and I believe  
4 you've had a good opportunity to look at that and consider  
5 it, so why don't we open up for discussion? Vice Chair  
6 Raspe.

7           VICE CHAIR RASPE: Thanks, Chair. My sense is the  
8 Community Development Director already handles quite a few  
9 issues with respect to the poles, and it's only certain  
10 issues that are not handled by the CDD that go up to Town  
11 Council. I don't see a good reason to break it down that  
12 way. To me, I think the CDD should handle all issues with  
13 respect to those story poles, take it all out of the hands  
14 of the Town Council who have many more important things to  
15 do, so my recommendation would be to make the CDD the  
16 decision maker for all matters with respect to the story  
17 poles and signage as we've talked about tonight.

18           CHAIR BARNETT: Okay, that's a clear motion. Is  
19 there a second? Commissioner Hanssen.

20           COMMISSIONER HANSSEN: I second.

21           CHAIR BARNETT: And discussion? Commissioner  
22 Clark.

23           COMMISSIONER CLARK: I just wanted to say I think  
24 that's a good motion and that we can support that if the

1 Town Council would like to make that decision to offload  
2 it, we would support them doing that, but ultimately I  
3 think this one, mostly it's going to be what the Town  
4 Council wants to do, because it falls under them a lot of  
5 the time now.

6 CHAIR BARNETT: Thank you. Commissioner Thomas.

7 COMMISSIONER THOMAS: I agree, and do we need to  
8 be discussing what is part of the exemption process or just  
9 the process itself for Staff right now? Just the process?  
10

11 JOEL PAULSON: Yes, just the process, and this is  
12 really just specifically the deciding body for exceptions,  
13 because the reality is with the motions that have been made  
14 thus far we're going to have far fewer exception requests  
15 probably even for larger buildings, because you provided  
16 some options. Ultimately, we'll have to wait and see what  
17 Council says, but I think that's where we'll find out  
18 whether or not we need to build in additional comments  
19 related to the exceptions request, but this is specific to  
20 the decision maker for any exception requests.

21 COMMISSIONER THOMAS: Okay, perfect. Then that's  
22 it.

23 CHAIR BARNETT: I noticed in the Staff Report it  
24 refers to only two jurisdictions in the County that have an  
25

1 exception process where the authority is placed within the  
2 Community Development Director, but I support the motion.

3 Any further discussion? If not, raise your hands,  
4 and it's unanimous.

5 We move next to Section F, Story Pole Policy  
6 requirements, and we've heard about that issue from some of  
7 the commentators, and I guess we can move right on to  
8 discussion of that. Vice Chair Raspe.

9 VICE CHAIR RASPE: My sense is the Story Pole  
10 Policy requirement is the Applicant has to provide a plan  
11 to the Town for it's prior approval before raising the  
12 poles and putting up the netting. To me that makes eminent  
13 sense. The alternative is no plan, the poles go up, and God  
14 forbid they're incorrect and they have to be redone to a  
15 greater expense. So, yes, there is a great upfront expense  
16 in preparing a plan, but it seems to me it's the most  
17 efficient probably cost effective measure, and so I would  
18 recommend keeping that system in place.

19 CHAIR BARNETT: Commissioner Hanssen.

20 COMMISSIONER HANSSEN: I totally understand what  
21 the Vice Chair just said, however, the story poles have to  
22 be certified by an independent certification, and if I  
23 understand the role of those certifying bodies it's that  
24 they're supposed to take the plans and say yes, I agree,  
25

1 and because I'm qualified to say so that those story poles  
2 represent the development plans as submitted. So while I  
3 understand having a plan would help, is that onerous on top  
4 of them having to get them certified anyways? That's just a  
5 question I have and I had written down before I came to the  
6 meeting.

7 CHAIR BARNETT: Is that a question to Staff?

8 COMMISSIONER HANSEN: It's a question to the  
9 other Commissioners.

10 CHAIR BARNETT: I see. Thank you. Commissioner  
11 Clark.

12 COMMISSIONER CLARK: I think what I heard from  
13 the architects and developers is that it's very onerous to  
14 put together that Story Pole Policy; it sounded like it is  
15 legitimately a problem for them, and if Los Gatos is the  
16 only agency in the County that requires the Story Pole  
17 Policy, it must work not to have one though would be my  
18 opinion, because everyone else seems to be getting by okay.

19 I think one thing we could do is provide the  
20 option to get a Story Pole Policy approved before putting  
21 them up so that if somebody is concerned that their story  
22 poles would end up needing to be changed once they were up,  
23 they could come forward, but if they don't they understand  
24  
25

1 that they might be assuming an additional cost if they do  
2 need to be changed.

3 CHAIR BARNETT: Okay, thank you. Commissioner  
4 Hanssen.

5 COMMISSIONER HANSSEN: I think that's a fantastic  
6 suggestion. It's the story pole version of the Conceptual  
7 Development Advisory Committee. It's an option if they want  
8 the confidence that they're doing the right thing and then  
9 they can choose to do it, and it could also be a warning  
10 that if you don't do it, it might be an additional expense  
11 for you. I like that approach.

12 CHAIR BARNETT: It sounds like there's a growing  
13 consensus. Is there further discussion? Commissioner Clark.

14 COMMISSIONER CLARK: I move to make a Story Pole  
15 Policy plan optional rather than required.

16 CHAIR BARNETT: Thank you. Now do we have a  
17 second? Commissioner Thomas.

18 COMMISSIONER THOMAS: I second the motion.

19 CHAIR BARNETT: Any further discussion? If not,  
20 raise your hands in support. Another unanimous vote.

21 Now we are down to Section G, the one that is  
22 remaining, and we've heard from the Town Attorney on this  
23 issue tonight, but does anyone have any further questions  
24 or comments about it? Commissioner Hanssen.



1                   COMMISSIONER HANSSEN: I will just mention that  
2 this was discussed at the last Housing Element Advisory  
3 Board meeting, and although we didn't come to any  
4 recommendation on that particular point it was discussed at  
5 least briefly because it was brought up by HCD, but I think  
6 we all took comfort in the fact that our Town Attorney's  
7 opinion is that a court wouldn't consider that being an  
8 issue, and especially since we are loosening a lot of the  
9 requirements for Story Pole Policy it seems to me that that  
10 shouldn't be an impediment, especially with what we've done  
11 with mainly affordable housing.  
12

13                   CHAIR BARNETT: And I assume in our iterative  
14 process with HCD that this hasn't been mentioned as a  
15 requirement or concern?

16                   JOEL PAULSON: I don't believe it has  
17 specifically been mentioned, but we did provide a lot of  
18 additional information in this second round, which may lead  
19 to some comments.

20                   CHAIR BARNETT: Okay, thank you.

21                   (END)

22  
23  
24  
25

*This Page  
Intentionally  
Left Blank*